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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 1

Wednesday, February 21, 2001

ORDER OF THE DAY:

Election of a Chair and Vice-Chairs





MINUTES OF PROCEEDINGS

Meeting No. 1

Wednesday, February 21, 2001

The Standing Committee on Justice and Human Rights met at 3:34 p.m. this day, in Room 371, West Block, for the purpose of electing a Chair.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, The Hon. Andy Scott, Judy Sgro, Kevin Sorenson, Larry Spencer, Vic Toews.

Acting Member(s) present: Geoff Regan for Carole-Marie Allard, Réal Ménard for Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Pursuant to Standing Order 106 (1) and (2), election of a Chair and Vice-Chairs.

The Clerk presided over the election of a Chair.

John Maloney moved, -- That Andy Scott do take the Chair of this Committee as Chairman.

The question being put on the motion, it was agreed.

Andy Scott took the Chair.

On motion of Vic Toews, it was agreed, -- That Chuck Cadman be elected Vice-Chair of the Committee.

On motion of Lynn Myers, it was agreed, -- That Ivan Grose be elected Vice-Chair of the Committee.

It was agreed, -- That the Chair, the two Vice-Chairs, the Parliamentary Secretaries to the Solicitor General and the Minister of Justice and a representative of each of the Bloc Québécois, the New Democratic Party and the Progressive Conservative Party, do compose the Sub-Committee on Agenda and Procedure.

It was agreed, -- That the Committee retain the services of one or more Research Officers from the Library of Parliament, as needed, to assist the Committee in its works, at the discretion of the Chairman.

It was moved, -- That twenty-four (24) hours notice be given to the members of the Committee before any substantive motion is considered by the Committee unless the Committee gives consent otherwise.

Ivan Grose moved the following amendment, -- That the words " twenty-four (24)" be replaced by " forty-eight (48)".

After debate, the question being put on the amendment, it was agreed to on the following recorded division:

YEAS:

Bill Blaikie

Chuck Cadman

Irwin Cotler

Paul DeVillers

Ivan Grose

John Maloney

John McKay

Lynn Myers

Stephen Owen

Geoff Regan

Judy Sgro

Kevin Sorenson

Larry Spencer

Vic Toews

(14)

NAYS:

Michel Bellehumeur

Peter MacKay

Réal Ménard

(3)

The motion, as amended was agreed to.

It was agreed, -- That the Clerk of the Committee be authorized to circulate the documents received only when they exist in both official languages.

It was agreed, -- That the Chair be authorized to hold meetings to receive evidence when a quorum is not present provided that at least three (3) members are present, including a member of the Opposition.

It was agreed, -- That, as established by the Board of Internal Economy and if requested, reasonable travelling, accommodation, and living expenses be reimbursed to witnesses who are invited to appear before the committee up to a maximum of two (2) representative for any one organization; and that payment for more than two (2) representatives in exceptional circumstances be at the discretion of the Chair.

It was moved, -- That witnesses be given ten (10) minutes for their opening statements; and that, at the discretion of the Chair, during the questioning of the witnesses, there be allocated seven (7) minutes for the first questioner of each party and that thereafter three (3) minutes be allocated to each subsequent questioner (alternating between Government and Opposition parties).

John McKay moved the following amendment, -- That witnesses be given ten (10) minutes for their opening statement; and that, at the discretion of the Chair, during the questioning of witnesses, there be allocated: seven (7) minutes for the first questioner of the Canadian Alliance Party, seven (7) minutes for the first questioner of the Liberal Party, seven (7) minutes for the first questioner of the Bloc Québécois, five (5) minutes for the second questioner of the Liberal Party, seven (7) minutes for the first questioner of the New Democratic Party, five (5) minutes for the third questioner of the Liberal Party, seven (7) minutes for the first questioner of the Progressive Conservative Party, and that the second round be five (5) minutes for each questioner in the same order.

After debate, Chuck Cadman moved the following sub-amendment, -- That witnesses be given ten (10) minutes for their opening statement; and that, at the discretion of the Chair, during the questioning of witnesses, there be allocated: ten (10) minutes for the first questioner of the Canadian Alliance Party, ten (10) minutes for the first questioner of the Liberal Party, ten (10) minutes for the second questioner of the Canadian Alliance Party, ten (10) minutes for the first questioner of the Bloc Québécois, ten (10) minutes for the second questioner of the Liberal Party, five (5) minutes for the first questioner of the New Democratic Party, five (5) minutes for the first questioner of the Progressive Conservative Party and that thereafter five (5) minutes be allocated to each subsequent questioner (alternating between Government and Opposition parties).

After debate, the sub-amendment was, by a show of hands, negatived.

The amendment was, by a show of hands, negatived.

The motion was agreed to.

It was agreed, -- That the Committee authorize the Chairman, from time to time, as the need arises, to take, in conjunction with the Clerk of the Committee, the appropriate measures to provide lunches for the Committee and its Sub-Committees, for working purposes, and that the cost of these lunches be charged to the budget of the Committee.

It was agreed, -- That documents for the use of the Committee and its members may be purchased from time to time, at the discretion of the Chair.

It was agreed, -- That each Committee member be allowed to have one staff person present at *in camera* meetings, unless there is a decision for a particular meeting to exclude all staff.

It was agreed, -- That one copy of the transcript of all *in camera* meetings be kept in the Committee Clerk's office for consultation.

It was agreed, -- That when a Private Member's Bill is referred, to put the Bill on its agenda in order to invite the Member to explain the Bill to the Committee and to decide on its work plan.

At 4:04 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 2

Tuesday March 20, 2001

IN CAMERA

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MINUTES OF PROCEEDINGS

Meeting No. 2

Tuesday, March 20, 2001

The Standing Committee on Justice and Human Rights met *in camera* at 11:07 a.m. this day, in Room 536, Wellington Building, the Chair, The Hon. Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Bill Blaikie, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, Lynn Myers, Stephen Owen, The Hon. Andy Scott, Judy Sgro, Kevin Sorenson, Larry Spencer, Vic Toews.

In attendance: From the Library of Parliament: Lyne Casavant, Researcher and Philip Rosen, Senior Analyst.

The Committee proceeded to discuss its future business.

It was agreed, -- That when Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts, is referred to the Committee, the Minister of Justice be invited to appear.

It was agreed, - That when Bill C-12, An Act to amend the Judges Act and to amend another Act in consequence, is referred to the Committee, the Minister of Justice, the members of the Judicial Compensation and Benefits Commission and the Commissioner for Federal Judicial Affairs be invited to appear.

It was agreed, - That when Bill C-15, An Act to amend the Criminal Code and to amend other Acts, is referred to the Committee, it hears from panels of witnesses divided in the following groupings:

- Criminal Convictions Review (miscarriages of Justice)
- Cruelty to Animals
- Firearms Programs
- Protection of Children from Sexual Exploitation (Internet luring, Internet child pornography, Child sex tourism)
- Criminal Procedure Reform
- Generally on the Bill (would include two or more of the above themes, criminal harassment, home invasion, disarming police officer, etc.)

It was agreed, -- That the Minister of Justice and the Solicitor General be invited to appear as soon as possible on Main Estimates 2001-2002.

At 11:30 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 3

Wednesday, March 28, 2001

ORDER OF THE DAY:

Study of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other acts

APPEARING:

Hon. Anne McLellan, Minister of Justice and Attorney General of Canada

WITNESSES:

Department of Justice Canada:

Catherine Latimer, Senior Counsel/Director, Youth Justice;

Richard G. Mosley, Assistant Deputy Minister, Policy Sector.



MINUTES OF PROCEEDINGS

Meeting No. 3

Wednesday, March 28, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 3:34 p.m. this day, in Room 237-C, Centre Block, the Chair, The Hon. Andy Scott, presiding.

Member(s) of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, The Hon. Andy Scott, Judy Sgro, Kevin Sorenson, Vic Toews.

In attendance: From the Library of Parliament: David Goetz, Researcher; Philip Rosen, Senior Analyst.

Appearing: From the Department of Justice: Anne McLellan, Minister of Justice and Attorney General of Canada.

Witness(es): From the Department of Justice: Richard G. Mosley, Assistant Deputy Minister, Policy Sector; Catherine Latimer, Senior Counsel/Director, Youth Justice.

The Order of Reference dated Monday, March 26, 2001, being now read as follows:

ORDERED, -- That Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

The Minister made an opening statement and with the other witnesses answered questions.

At 5:30 p.m., the sitting was suspended.

At 5:32 p.m., the sitting resumed.

The Committee proceeded to discuss its future business.

It was agreed, -- That the Committee meet on April 3rd, 2001 at 3:30 p.m. to hear witnesses and clause by clause consideration of Bill C-12, An Act to amend the Judges Act and to amend another Act in consequence.

It was agreed, -- That the Committee meet on Wednesday, April 4th, 2001 to consider its future business in regards to Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts.

At 5:35 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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MINUTES OF PROCEEDINGS

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on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 4

Thursday, March 29, 2001

ORDER OF THE DAY:

Study of Bill C-12, An Act to amend the Judges Act and to amend another act in consequence

APPEARING:

Hon. Anne McLellan, Minister of Justice and Attorney General of Canada

WITNESS:

Department of Justice Canada:

Judith Bellis, Senior General Counsel, Judicial Affairs Unit.

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MINUTES OF PROCEEDINGS

Meeting No. 4

Thursday, March 29, 2001

The Standing Committee on Justice and Human Rights met at 11:11 a.m. this day, in Room 253-D, Centre Block, the Chair, The Hon. Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Bill Blaikie, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, The Hon. Andy Scott, Vic Toews.

Acting Member present: Madeleine Dalphond-Guiral for Michel Bellehumeur.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Appearing: From the Department of Justice: Anne McLellan, Minister of Justice and Attorney General of Canada.

Witness: From the Department of Justice: Judith Bellis, Senior General Counsel, Judicial Affairs Unit.

The Order of Reference dated Monday, March 26, 2001, being now read as follows:

ORDERED, -- That Bill C-12, An Act to amend the Judges Act and to amend another Act in consequence be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

The Minister made an opening statement and answered questions.

At 12:21 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 5

Tuesday, April 3, 2001

ORDER OF THE DAY:

Bill C-12, An Act to amend the Judges Act and to amend another Act in consequence

WITNESSES:

Department of Justice Canada:

Judith Bellis, Senior General Counsel;

Karen Cuddy, Counsel, Judicial Affairs;

Ian Mackenzie, Counsel, Judicial Affairs;

Louise Panet-Raymond, Counsel, Judicial Affairs.

Judicial Compensation and Benefits Commission:

Richard Drouin, Chairperson;

Frederick Gorbet, Commissioner.

Office of the Commissioner for Federal Judicial Affairs:

Denis Guay, Acting Commissioner.

Office of the Superintendent of Financial Institutions:

Steve McCleave, Actuarial Assistant, Office of the Chief Actuary.

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MINUTES OF PROCEEDINGS

Meeting No. 5

Tuesday, April 3, 2001

The Standing Committee on Justice and Human Rights met at 3:43 p.m. this day, in Room 371, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, Irwin Cotler, Ivan Grose, John Maloney, John McKay, Stephen Owen, The Hon. Andy Scott, Judy Sgro, Kevin Sorenson, Larry Spencer and Vic Toews.

Acting Member present: Karen Redman for Paul DeVillers.

In attendance: From the Library of Parliament: Nancy Holmes, researcher; Philip Rosen, senior analyst.

Witnesses: From the Office of the Commissioner for Federal Judicial Affairs: Denis Guay, Acting Commissioner; Wayne Osborne, Director of Financial Services. *From the Judicial Compensation and Benefits Commission:* Richard Drouin, Chairperson; Frederick Gorbet, Commissioner; Deborah Lapierre, Executive Director. *From the Department of Justice:* Judith Bellis, Senior General Counsel, Judicial Affairs Unit; Ian Mackenzie, Counsel, Judicial Affairs Unit; Karen Cuddy, Counsel, Judicial Affairs Unit; Louise Panet-Raymond, Counsel, Judicial Affairs Unit. *From the Office of the Superintendent of Financial Institutions Canada:* Steve McCleave, Actuarial Assistant, Office of the Chief Actuary.

Pursuant to its Order of Reference of Monday, March 26, 2001, the Committee resumed consideration of Bill C-12, An Act to amend the Judges Act and to amend another Act in consequence (*See Minutes of Proceedings, Thursday, March 29, 2001, Meeting No. 4*).

Richard Drouin and Denis Guay made opening statements and with the other witnesses answered questions.

The Committee proceeded to Clause-by-Clause consideration of the Bill.

Clauses 1 to 11 carried.

On Clause 12,

John Maloney moved, -- That Bill C-12, in Clause 12 of the English version, be amended by removing the following words on line 9 on page 25

"plus \$2,000"

After debate, the question being put on the amendment, it was adopted.

Clause 12, as amended, carried.

Clauses 13 to 22 carried.

On clause 23,

John Maloney moved, -- That Bill C-12, in Clause 23, be amended by replacing line 9 on page 40 with the following:

"takes effect on the day this section comes into force"

After debate, the question being put on the amendment, it was adopted.

Clause 23, as amended, carried.

Clauses 24 to 27 carried.

The title carried.

The Bill, as amended, carried.

ORDERED, -- That the Chair report Bill C-12 with amendments to the House as the 1st Report of the Committee.

At 4:19 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 6

Wednesday, April 4, 2001

ORDERS OF THE DAY:

Future Business

Consideration of Bill C-7, The Youth Criminal Justice Act





MINUTES OF PROCEEDINGS

Meeting No. 6

Wednesday, April 4, 2001

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 371, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, The Hon. Andy Scott, Judy Sgro, Larry Spencer, Vic Toews.

Acting Members present: Larry Bagnell for Stephen Owen; John Williams for Kevin Sorenson from 3:35 to 3:40 p.m.

In attendance: From the Library of Parliament: Gérald Lafrenière, researcher; Philip Rosen, senior analyst.

The Committee proceeded to discuss future business of the Committee (Bill C-7, Youth Criminal Justice Act).

John Williams gave notice of the following motion:

That the Chair of the Canadian Human Rights Commission be called to testify before this committee regarding the apparent distribution of the contents of the Special Report to Parliament on Pay Equity to the media before it was tabled in Parliament on February 15, 2001 and the apparent distribution of the contents of the Annual Report of the Canadian Human Rights Commission to the media before it was tabled in Parliament on March 29, 2001; and that this committee report its findings back to the House of Commons.

John Maloney moved, - That the Standing Committee on Justice and Human Rights of the 37th Parliament in its consideration of Bill C-7, The Youth Criminal Justice Act, adduce the evidence heard by the Standing Committee on Justice and Human Rights of the 36th Parliament in its consideration of Bill C-3, The Youth Criminal Justice Act.

After debate, the motion was agreed to on the following recorded division:

YEAS:

Carole-Marie Allard

Larry Bagnell

NAYS:

Michel Bellehumeur

(1)

Chuck Cadman

Stan Dromisky

Paul DeVillers

Ivan Grose

John Maloney

Lynn Myers

Judy Sgro

Kevin Sorenson

Larry Spencer

Vic Toews

(12)

Bill Blaike moved, - That the Committee hear from the various Provincial Attorney Generals on Bill C-7.

After debate, the motion was negatived on the following recorded division:

YEAS:

Michel Bellehumeur

Bill Blaikie

Chuck Cadman

Peter MacKay

Kevin Sorenson

Larry Spencer

Vic Toews

(7)

NAYS:

Carole-Marie Allard

Larry Bagnell

Irwin Cotler

Paul DeVillers

Ivan Grose

John Maloney

John Mackay

Lynn Myers

Judy Sgro

(9)

John Maloney moved, - That the Committee not hear further witnesses on Bill C-7 and proceed to clause-by-clause consideration.

After debate, it was agreed, - That the motion be considered as a notice of motion.

Irwin Cotler moved, - That the Committee invited the various provincial and territorial unelected officials to appear on Bill C-7.

The motion was agreed to.

At 5:05 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 7

Wednesday, April 25, 2001

ORDER OF THE DAY:

Study of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts

WITNESSES:

Ministry of the Attorney General (Manitoba):

Carolyn Brock, Acting Executive Director, Manitoba Corrections;

Rob A. Finlayson, Assistant Deputy Attorney General, Prosecutions Division.

Ministry of the Attorney General (Saskatchewan):

Betty Ann Pottruff, Q.C., Director, Policy, Planning and Evaluation.





MINUTES OF PROCEEDINGS

Meeting No. 7

Wednesday, April 25, 2001

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 371, West Block, the Vice-Chair, Ivan Grose, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, Lynn Myers, Stephen Owen, Larry Spencer, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Witness(es): From the Ministry of the Attorney General of Manitoba: Rob A. Finlayson, Assistant Deputy Attorney General, Prosecutions Division. *From Manitoba Corrections:* Carolyn Brock, Acting Executive Director. *From the Ministry of the Attorney General of Saskatchewan:* Betty Ann Pottruff, Director, Policy, Planning and Evaluation.

Pursuant to its Order of Reference of Monday, March 26, 2001, the Committee resumed consideration of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts (*See Minutes of Proceedings, Wednesday, March 28, 2001, Meeting No. 3*).

Rob A. Finlayson and Betty Ann Pottruff made opening statements and the other witness answered questions.

At 5:09 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 8

Thursday, April 26, 2001

ORDER OF THE DAY:

Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts

WITNESSES:

Department of Public Safety of New Brunswick:

Donald Dennison, Deputy Minister;

Bob Eckstein, Program Consultant.

Office of the Attorney General of Prince Edward Island:

Phil Arbing, Provincial Adviser, Justice and Corrections.





MINUTES OF PROCEEDINGS

Meeting No. 8

Thursday, April 26, 2001

The Standing Committee on Justice and Human Rights met at 9:37 a.m. this day, in Room 371, West Block, the Vice-Chair, Ivan Grose, presiding.

Member(s) of the Committee present: Chuck Cadman, Irwin Cotler, Ivan Grose, Peter MacKay, John Maloney, John McKay, Stephen Owen, Judy Sgro, Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Witness(es): From the Department of Public Safety of New Brunswick: Donald Dennison, Deputy Minister; Bob Eckstein, Program Consultant. *From the Office of the Attorney General of Prince Edward Island:* Phil Arbing, Provincial Advisor, Justice and Corrections.

Pursuant to its Order of Reference of Monday, March 26, 2001, the Committee resumed consideration of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts (*See Minutes of Proceedings, Wednesday, March 28, 2001, Meeting No. 3*).

The witnesses made opening statements and answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 9

Tuesday, May 1st, 2001

ORDER OF THE DAY:

Future business





MINUTES OF PROCEEDINGS

Meeting No. 9

Tuesday, May 1st, 2001

The Standing Committee on Justice and Human Rights met at 9:41 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Judy Sgro, Kevin Sorenson, Larry Spencer, Vic Toews.

Acting Member present: Stan Keyes for Paul DeVillers.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

The Committee proceeded to discuss its future business.

Michel Bellehumeur moved:

That the Committee call the following:

- Hélène Le Brun, Centrale de l'enseignement du Québec;
- Normand Bastien, Centre communautaire juridique de Montréal;
- Marie-Chantal Gagné, Conseil permanent de la jeunesse;
- Marc Leblanc, École de psychoéducation, Université de Montréal;
- Jean Trépanier, École de criminologie, Université de Montréal;
- Diane Trudeau, Commission des services juridiques;
- Donat Lavallée, Fondation La Cité des Prairies inc.;
- Cécile Toutant, Institut Pinel;
- Lorrain Audy, Association des directeurs de police et des pompiers du Québec;
- Lucille Rocheleau, Association des CLSC et des CHSLD du Québec;
- Marc Lacour, Régie régionale de la Mauricie et du Centre-du-Québec;

- Gaston St-Jean, Canadian Criminal Justice Association;
- Johanne Vallée, Association des Services de Réhabilitation Sociale du Québec inc.;
- Sylvie Durand, Société de criminologie du Québec;
- Jacques Dumais, Centres jeunesse Chaudière-Appalaches;
- Dr Louis Morrisette, Institut Pinel;
- Richard Desrochers, Les Centres jeunesse de la Mauricie
et du Centre-du-Québec;
- Henri Francoeur, Le Centre jeunesse Gaspésie/Les Îles;
- Odette Ouellet, Association des centres jeunesse du Québec;
- Pierre Lamarche, Association des centres jeunesse du Québec;
- Harry Gow, Professor of Criminology, Ottawa University;
- René Binette, Attorney specializing in young persons and the law;
- Carole Brosseau, Quebec Bar Association;
- Chantal Chatelain, Junior Quebec Bar Association;
- Michel Jasmin, Judge;
- Retired Judge Trahan;
- Ghislain Picard, Assembly of First Nations;
- Matthew Coon Come, Chief of the Assembly of First Nations;
- Conrad Sioui, Senior Advisor for the Takuaikan Uashat mak Mani-Uteman Innu Council.

to give evidence prior to the clause-by-clause review of Bill C-7, *An Act in respect of criminal justice for young persons and to amend and repeal other Acts*, and explain how the bill runs counter to Quebec's approach and is liable to wipe out more than twenty years' expertise in rehabilitation and social reinsertion.

After debate, the motion was negatived on the following recorded division:

YEAS:

NAYS:

Michel Bellehumeur

Carole-Marie Allard

Bill Blaikie

Ivan Grose

Peter MacKay

Stan Keyes

Larry Spencer

John Maloney

Vic Toews

John McKay

(5)

Lynn Myers

Stephen Owen

Judy Sgro

(8)

John Maloney moved, - That the Committee not hear further witnesses on Bill C-7 and proceed to clause-by-clause consideration.

After debate, the motion was agreed on the following recorded division:

YEAS:

NAYS:

Carole-Marie Allard

Michel Bellehumeur

Ivan Grose

Bill Blaikie

Stan Keyes

Peter MacKay

John Maloney

Kevin Sorenson

John McKay

Larry Spencer

Lynn Myers

Vic Toews

Judy Sgro

(6)

(7)

At 10:55 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 10

Wednesday, May 2, 2001

ORDER OF THE DAY:

Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts

WITNESSES:

Department of Justice Canada:

Dick Barnhorst, Counsel, Youth Justice;

Paula Kingston, Counsel, Youth Justice;

Yolande Viau, Lawyer, Youth Justice.





MINUTES OF PROCEEDINGS

Meeting No. 10

Wednesday, May 2, 2001

The Standing Committee on Justice and Human Rights met at 3:45 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Judy Sgro, Kevin Sorenson, Larry Spencer, Vic Toews, Pierrette Venne.

Acting Member(s) present: David Price for Carole-Marie Allard, Shawn Murphy for Ivan Grose.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Witness(es): From the Department of Justice: Paula Kingston, Counsel, Youth Justice; Yolande Viau, Counsel, Youth Justice; Dick Barnhorst, Special Advisor, Youth Justice.

Pursuant to its Order of Reference of Monday, March 26, 2001, the Committee resumed consideration of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts (*See Minutes of Proceedings, Wednesday, March 28, 2001, Meeting No. 3*).

The Committee proceeded to Clause-by-Clause consideration of the Bill.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

The Title carried on division.

Clause 1 carried on division.

On Clause 2,

Chuck Cadman moved, -- That Bill C-7, in Clause 2, be amended by deleting lines 29 to 43 on page 3 and lines 1 to 21 on page 4.

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 2, be amended by replacing lines 1 to 4 on page 5 with the following:

""violent offence" means an offence under section 235 of the *Criminal Code* or an offence set out in Schedule I or II to the *Corrections and Conditional Release Act*."

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 2, be amended by replacing lines 7 and 8 on page 5 with the following:

"appears to be ten years old or older, but less than sixteen years old and, if the context"

The question being put on the amendment, it was negatived.

Clause 2 carried on division.

On Clause 3,

John Maloney moved, -- That Bill C-7, in Clause 3, be amended by replacing lines 35 to 38 on page 6 with the following:

right to privacy, are protected,

(iv) timely intervention that reinforces the link between the offending behaviour and its consequences, and

(v) the promptness and speed with which persons responsible, for enforcing this Act must act, given young persons' perception of time;

After debate, the question being put on the amendment, it was adopted on division.

Chuck Cadman moved, -- That Bill C-7, in Clause 3, be amended by replacing line 43 on page 7 with the following:

"subsection (1), bearing in mind that the principle set out in paragraph (1)(a) is to be considered the paramount principle set out in that subsection."

The question being put on the amendment, it was negatived.

Clause 3, as amended, carried on division.

On Clause 4,

Chuck Cadman moved, -- That Bill C-7, in Clause 4, be amended by replacing lines 14 and 15 on page 8 with the following:

"non-violent offence, has not previously been found guilty of an offence and has not previously been dealt with by the use of extrajudicial measures; and"

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 4, be amended by replacing lines 21 to 26 on page 8 with the following:

"in this section."

The question being put on the amendment, it was negatived.

Clause 4 carried on division.

Clause 5 carried on division.

Clause 6 carried on division.

Clause 7 carried on division.

Clause 8 carried on division.

Clause 9 carried on division.

Clause 10 carried on division.

On Clause 11,

Chuck Cadman moved, -- That Bill C-7, in Clause 11, be amended by replacing line 43 on page 11 with the following:

"of the sanction and shall give or cause to be given to every victim of the young person, in writing, notice of the victim's right to request information under section 12."

The question being put on the amendment, it was negatived on division.

Clause 11 carried on division.

Clause 12 carried on division.

Clause 13 carried on division.

On Clause 14,

Chuck Cadman moved, -- That Bill C-7, in Clause 14, be amended by replacing line 29 on page 13 with the following:

"of sixteen years."

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 14, be amended by replacing line 30 on page 13 with the following:

"(5) This Act applies to persons sixteen"

The question being put on the amendment, it was negatived.

Clause 14 carried on division.

Clause 15 carried on division.

On Clause 16,

Chuck Cadman moved, -- That Bill C-7, in Clause 16, be amended

(a) by replacing line 39 on page 14 with the following:

"the age of sixteen years, the youth justice"

(b) by replacing line 47 on page 14 with the following:

"age of sixteen years, impose a sentence"

(c) by replacing line 3 on page 15 with the following:

"of sixteen years, impose any sentence that"

(d) by replacing line 10 on page 15 with the following:

"age of sixteen years, impose a sentence"

The question being put on the amendment, it was negatived.

Clause 16 carried on division.

Clause 17 carried on division.

Clause 18 carried on division.

Clause 19 carried on division.

Clause 20 carried on division.

Clause 21 carried on division.

Clause 22 carried on division.

Clause 23 carried on division.

Clause 24 carried on division.

Clause 25 carried on division.

Clause 26 carried on division.

Clause 27 carried on division.

Clause 28 carried on division.

Clause 29 carried on division.

On Clause 30,

Chuck Cadman moved, -- That Bill C-7, in Clause 30, be amended by replacing line 23 on page 26 with the following:

"of sixteen years, after giving the young"

The question being put on the amendment, it was negatived.

Clause 30 carried on division.

Clause 31 carried on division.

On Clause 32,

Chuck Cadman moved, -- That Bill C-7, in Clause 32, be amended by replacing lines 9 to 20 on page 29 with the following:

"right to retain and instruct counsel; and
(c) if the young person is charged with having, after attaining the age of fourteen years, committed a violent offence, inform the"

The question being put on the amendment, it was negatived.

Clause 32 carried on division.

Clause 33 carried on division.

Clause 34 carried on division.

Clause 35 carried on division.

Clause 36 carried on division.

Clause 37 carried on division.

On Clause 38,

John Maloney moved, -- That Bill C-7, in Clause 38, be amended by

(a) replacing lines 2 and 3 on page 38 with the following:

section 42 (youth sentences) is to hold a young

(b) replacing line 8 on page 38 with the following:

reintegration into society, thereby contributing to the long-term protection of the public.

After debate, the question being put on the amendment, it was adopted on division.

Chuck Cadman moved, -- That Bill C-7, in Clause 38, be amended by replacing lines 5 to 8 on page 38 with the following:

"imposition of just sanctions that

(a) have meaningful consequences for the young person;

(b) promote the young person's rehabilitation and reintegration into society;

(c) denounce unlawful conduct;

(d) deter the young person from committing offences;

(e) promote respect for law and order and the maintenance of safe and secure communities; and

(f) promote a sense of responsibility in the young person, and an acknowledgment of the harm done to victims and the community."

The question being put on the amendment, it was negatived.

Clause 38, as amended, carried on division.

On Clause 39,

Chuck Cadman moved, -- That Bill C-7, in Clause 39, be amended by replacing lines 22 to 26 on page 39 with the following:

"than two years; or"

The question being put on the amendment, it was negatived.

Clause 39 carried on division.

Clause 40 carried on division.

Clause 41 carried on division.

On Clause 42,

Chuck Cadman moved, -- That Bill C-7, in Clause 42, be amended by replacing line 26 on page 52 with the following:

"shall not exceed four years and six months, except if one of"

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 42, be amended by replacing line 2 on page 53 with the following:

"tences may exceed four years and six months and, if the"

The question being put on the amendment, it was negatived.

John Maloney moved, -- That Bill C-7, in Clause 42, be amended by replacing lines 5 and 6 on page 51

with the following:

(a) either

(i) the young person has been found guilty of an offence under one of the following provisions of the Criminal Code, namely, section 231 or 235 first degree murder or second degree murder within the meaning of section 231), section 239 (attempt to commit murder), section 232, 234 or 236 (manslaughter), or section 273 (aggravated sexual assault), or

(ii) the young person has been found guilty of a serious violent offence for which an adult is liable to imprisonment for a term of more than two years, and the young person had previously been found guilty at least twice of a serious violent offence;

After debate, the question being put on the amendment, it was adopted on division.

Chuck Cadman moved, -- That Bill C-7, in Clause 42, be amended

(a) by replacing line 24 on page 47 with the following:

"that a period be served in custody, which period shall not exceed three years from the date of committal, and that"

(b) by replacing lines 30 to 37 on page 47 with the following:

"tions, the total of the periods not to exceed four years and six months from the date of the coming into force of the order;"

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 42, be amended by deleting lines 26 to 36 on page 51.

The question being put on the amendment, it was negatived.

Clause 42, as amended, carried on division.

After debate, Clause 43 carried on division.

Clause 44 carried on division.

Clause 45 carried on division.

Clause 46 carried on division.

Clause 47 carried on division.

Clause 48 carried on division.

Clause 49 carried on division.

On Clause 50,

Chuck Cadman moved, -- That Bill C-7, in Clause 50, be amended by replacing line 13 on page 57 with the following:

"process continues in force) and sections 737 (victim surcharge), 748"

The question being put on the amendment, it was negatived.

Clause 50 carried on division.

Clause 51 carried on division.

Clause 52 carried on division.

On Clause 53,

Chuck Cadman moved, -- That Bill C-7, in Clause 53, be amended by replacing lines 27 to 43 on page 59 and lines 1 to 4 on page 60 with the following:

Victim surcharge

"53. (1) Subject to subsection (7), a young person who is convicted of an offence shall pay a victim surcharge, in addition to any other punishment imposed on the young person.

Amount of surcharge

(2) Subject to subsection (3), the amount of the victim surcharge in respect of an offence is

(a) 15 percent of any fine that is imposed on the young person for the offence; or

(b) if no fine is imposed on the young person for the offence,

(i) \$50 in the case of an offence punishable by summary conviction, and

(ii) \$100 in the case of an offence punishable by indictment.

Increase in surcharge

(3) The youth justice court may order a young person to pay a victim surcharge in an amount exceeding that set out in subsection (2) if the court considers it appropriate in the circumstances and is satisfied that the young person is able to pay the higher amount.

Time for payment

(4) Subject to subsection (5), the victim surcharge imposed in respect of an offence is payable at the time at which the fine imposed for the offence is payable and, when no fine is imposed, within the time established by the lieutenant governor in council of the province in which the surcharge is imposed for payment of any such surcharge.

Variation

(5) The youth justice court may, on application by or on behalf of the young person, change the time by which a victim surcharge imposed on the young person must be paid.

Manner of payment and variation

(6) The youth justice court

(a) may make an order setting out the manner in which the victim surcharge is to be paid; and

(b) may, on application by or on behalf of the young person upon whom the victim surcharge is imposed, vary the order referred to in paragraph (a).

Exception

(7) When the young person establishes to the satisfaction of the youth justice court that undue hardship to the young person would result from payment of the victim surcharge, the court may, on application by or on behalf of the young person, make an order exempting the young person from the application of

subsection (1).

Reasons

(8) When the youth justice court makes an order under subsection (7), the court shall state its reasons in the record of the proceedings.

Amounts applied to aid victims

(9) A victim surcharge imposed under subsection (1) shall be applied for the purposes of providing such assistance to victims of offences as the lieutenant governor in council of the province in which the surcharge is imposed may direct from time to time.

Notice

(10) The youth justice court shall cause to be given to the young person written notice setting out

- (a) the amount of the victim surcharge;
- (b) the time by which the victim surcharge must be paid;
- (c) the manner in which the victim surcharge is to be paid; and
- (d) the procedure for applying for a change in any terms referred to in paragraphs (b) and (c) in accordance with subsection (5) and paragraph (6)(b), respectively.

Default

53.1 (1) For the purposes of this section, a young person is in default of payment of a victim surcharge if the surcharge has not been paid in full by the time referred to in subsection 53(4) or set out in an order made under subsection 53(5), as the case may be, or discharged under section 54.

Committal in default of payment

(2) Where a young person is required to pay a victim surcharge imposed under subsection 53(1), a term of custody, determined in accordance with subsection (6), shall be deemed to be imposed in default of payment of the surcharge.

Warrant of committal

(3) Where time has been allowed for payment of a victim surcharge, the youth justice court shall not issue a warrant of committal in default of payment of the surcharge

- (a) until the expiration of the time allowed for payment of the surcharge in full; and
- (b) unless the court is satisfied
 - (i) that the mechanism provided by subsection (9) is not appropriate in the circumstances, or
 - (ii) the young person has, without reasonable excuse, refused to pay the surcharge or discharge it under section 54.

Reasons for committal

(4) Where no time has been allowed for payment of a victim surcharge and a warrant committing the young person to a youth custody facility for default of payment of the surcharge is issued, the youth justice court shall state in the warrant the reasons for immediate committal.

Effect of committal

(5) The placing of a young person in a youth custody facility for default of payment of a victim surcharge terminates the operation of subsection 53(9) in relation to that surcharge.

Determination of term

(6) The length, in days, of the term of custody referred to in subsection (2) is the lesser of

- (a) a fraction rounded down to the nearest whole number, of which
 - (i) the numerator is the unpaid amount of the victim surcharge plus the costs and charges of committing and conveying the defaulter to a youth custody facility, calculated in accordance with regulations made under subsection (8), and
 - (ii) the denominator is equal to eight times the provincial minimum hourly wage, at the time of default, in the province in which the victim surcharge was imposed, rounded down to the nearest whole number of days, and
- (b) the maximum term of custody, expressed in days, that the youth justice court could itself impose on conviction.

Moneys found on young person

(7) All or any part of a victim surcharge imposed under subsection 53(1) may be taken out of moneys

found in the possession of the young person at the time of the arrest of the young person if the youth justice court, on being satisfied that ownership of or right to possession of those moneys is not disputed by claimants other than the young person, so directs.

Provincial regulations

(8) The lieutenant governor in council of a province may make regulations respecting the calculation of the costs and charges referred to in subparagraph (6)(a)(i) and in paragraph 53.2(1)(b).

Licences, permits, etc.

(9) Where a young person is in default of payment of a victim surcharge, the person responsible, by or under an Act of the legislature of the province where the surcharge was imposed, for issuing, renewing, or suspending a licence, permit or other similar instrument in relation to the young person may refuse to issue or renew the licence, permit or other instrument until the surcharge is paid in full, proof of which lies on the young person.

Definition of "penalty"

53.2 (1) In this section, "penalty" means the aggregate of

(a) a victim surcharge, and

(b) the costs and charges of committing and conveying the defaulter to a youth custody facility, calculated in accordance with regulations made under subsection 53.1(8).

Reduction of custodial term on part payment

(2) Where a young person is placed in a youth custody facility in default of payment of a victim surcharge, the custodial term shall, on payment of a part of the penalty, whether the payment was made before or after the issue of a warrant of committal, be reduced by the number of days that bears the same proportion to the number of days in the term as the part paid bears to the total penalty.

Minimum that can be accepted

(3) No amount offered in part payment of a penalty shall be accepted unless it is sufficient to secure a reduction of sentence of one day, or a multiple thereof, and where a warrant of committal has been issued, no part payment shall be accepted until any fee that is payable in respect of the warrant or its execution has been paid.

To whom payment made

(4) Payment may be made under this section to the person who has lawful custody of the young person or to such other person as the Attorney General directs.

Application of money paid

(5) A payment under this section shall be applied firstly to the payment in full of costs and charges, secondly to the payment in full of any victim surcharge imposed under subsection 53(1), and thereafter to payment of any part of a fine imposed on the young person under this Act that remains unpaid."

The question being put on the amendment, it was negatived.

Clause 53 carried on division.

On Clause 54,

Chuck Cadman moved, -- That Bill C-7, in Clause 54, be amended by replacing lines 11 to 14 on page 60 with the following:

"imposed under paragraph 42(2)(d) or on whom a victim surcharge is imposed under section 737 of the *Criminal Code*,"

The question being put on the amendment, it was negatived.

Clause 54 carried on division.

Clause 55 carried on division.

Clause 56 carried on division.

Clause 57 carried on division.

Clause 58 carried on division.

Clause 59 carried on division.

Clause 60 carried on division.

Clause 61 carried on division.

On Clause 62,

Chuck Cadman moved, -- That Bill C-7, in Clause 62, be amended by replacing lines 7 to 19 on page 68 with the following:

"62. An adult person sentence shall be imposed on a young person who is found guilty of a violent offence committed after the young person attained the age of fourteen years, unless an order is made under subsection 63(2) or paragraph 72(1)(a) that the young person is not liable to an adult sentence and that a youth sentence must be imposed."

The question being put on the amendment, it was negatived.

Clause 62 carried on division.

On Clause 63,

Chuck Cadman moved, -- That Bill C-7, in Clause 63, be amended by replacing line 21 on page 68 with the following:

"or found guilty of, a violent offence committed after attaining the age of fourteen years may"

The question being put on the amendment, it was negatived.

Clause 63 carried on division.

Clause 64 carried on division.

Clause 65 carried on division.

On Clause 66,

Chuck Cadman moved, -- That Bill C-7, in Clause 66, be amended by replacing line 14 on page 70 with the following:

"order under subsection 63(2)"

The question being put on the amendment, it was negatived.

Clause 66 carried on division.

On Clause 67,

Chuck Cadman moved, -- That Bill C-7, in Clause 67, be amended by replacing lines 24 to 31 on page 71 with the following:

"committed a violent offence after attaining the age of fourteen years;"

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 67, be amended by replacing lines 28 to 35 on page 70 with the following:

"committed, after attaining the age of fourteen years, a violent offence;"

The question being put on the amendment, it was negatived.

Clause 67 carried on division.

Clause 68 carried on division.

Clause 69 carried on division.

Clause 70 carried on division.

On Clause 71,

Chuck Cadman moved, -- That Bill C-7, in Clause 71, be amended by replacing lines 28 and 29 on page 76 with the following:

"sentence), unless the court has received notice"

The question being put on the amendment, it was negatived.

Clause 71 carried on division.

On Clause 72,

John Maloney moved, -- That Bill C-7, in Clause 72, be amended by

(a) replacing lines 44 and 45 on page 76 with the following:

purpose and principles set out in subparagraph 3(1) (b) (ii) and section 38 would have sufficient length to hold the young person

(b) replacing lines 6 and 7 on page 77 with the following:

purpose and principles set out in subparagraph 3(1) (b) (ii) and section 38 would not have sufficient length to hold the young

After debate, the question being put on the amendment, it was adopted on division.

Clause 72, as amended, carried on division.

On Clause 73,

Chuck Cadman moved, -- That Bill C-7, in Clause 73, be amended by replacing line 23 on page 77 with the following:

"an order under"

The question being put on the amendment, it was negatived.

Clause 73 carried on division.

Clause 74 carried on division.

On Clause 75,

Chuck Cadman moved, -- That Bill C-7, in Clause 75, be amended by replacing lines 6 to 13 on page 78 with the following:

"who has been found guilty, after attaining the age of fourteen years, of having committed a violent offence, the court shall at the sentencing"

The question being put on the amendment, it was negatived.

Clause 75 carried on division.

On Clause 76,

Chuck Cadman moved, -- That Bill C-7, in Clause 76, be amended by replacing line 9 on page 79 with the following:

"sixteen years at the time that he or she is"

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 76, be amended by replacing line 12 on page 79 with the following:

"(b) if the young person is sixteen years old"

The question being put on the amendment, it was negatived.

Clause 76 carried on division.

Clause 77 carried on division.

Clause 78 carried on division.

Clause 79 carried on division.

Clause 80 carried on division.

Clause 81 carried on division.

On Clause 82,

Chuck Cadman moved, -- That Bill C-7, in Clause 82, be amended

(a) by replacing lines 28 and 29 on page 82 with the following:

"youth sentence)

(b) by replacing lines 37 to 42 on page 83 and lines 1 and 2 on page 84 with the following:

";"of previous convictions, except for the purpose of determining the adult sentence to be imposed."

The question being put on the amendment, it was negatived.

Clause 82 carried on division.

Clause 83 carried on division.

Clause 84 carried on division.

On Clause 85,

Chuck Cadman moved, -- That Bill C-7, in Clause 85, be amended by replacing line 27 on page 85 with the following:

"paragraph 42(2)(n), (q) or (r) or section 53.1 or an order"

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 85, be amended by replacing line 27 on page 85 with the following:

"paragraph 42(2)(n), (p) or (q) or a provision referred to in subsection 737(9) of the *Criminal Code* or an order"

The question being put on the amendment, it was negatived.

Clause 85 carried on division.

Clause 86 carried on division.

Clause 87 carried on division.

Clause 88 carried on division.

Clause 89 carried on division.

Clause 90 carried on division.

Clause 91 carried on division.

On Clause 92,

Chuck Cadman moved, -- That Bill C-7, in Clause 92, be amended by replacing line 41 on page 90 with the following:

"sixteen years, after giving the young person,"

The question being put on the amendment, it was negatived.

Clause 92 carried on division.

Clause 93 carried on division.

Clause 94 carried on division.

Clause 95 carried on division.

Clause 96 carried on division.

Clause 97 carried on division.

On Clause 98,

Chuck Cadman moved, -- That Bill C-7, in Clause 98, be amended

(a) by replacing line 43 on page 100 with the following:

"violent offence before the expiry of"

(b) by replacing line 36 on page 101 with the following:

"person is then serving, a violent"

(c) by replacing line 42 on page 101 with the following:

"serving, a violent offence;"

The question being put on the amendment, it was negatived.

Clause 98 carried on division.

Clause 99 carried on division.

Clause 100 carried on division.

Clause 101 carried on division.

Clause 102 carried on division.

Clause 103 carried on division.

Clause 104 carried on division.

Clause 105 carried on division.

Clause 106 carried on division.

Clause 107 carried on division.

Clause 108 carried on division.

Clause 109 carried on division.

On Clause 110,

Chuck Cadman moved, -- That Bill C-7, in Clause 110, be amended

(a) by replacing lines 22 and 23 on page 113 with the following:

"sentence imposed despite violent offence), in a case where the information"

(b) by replacing lines 25 to 31 on page 113 with the following:

"a youth sentence for a violent offence committed after the young person attained the age of fourteen years; and"

The question being put on the amendment, it was negatived.

Chuck Cadman moved, -- That Bill C-7, in Clause 110, be amended by replacing line 39 on page 113 with the following:

"sixteen years, publish or cause to be pub-"

The question being put on the amendment, it was negatived.

Clause 110 carried on division.

On Clause 111,

Chuck Cadman moved, -- That Bill C-7, in Clause 111, be amended by replacing line 45 on page 114 with the following:

"attains the age of sixteen years or before"

The question being put on the amendment, it was negatived.

Clause 111 carried on division.

Clause 112 carried on division.

Clause 113 carried on division.

Clause 114 carried on division.

Clause 115 carried on division.

Clause 116 carried on division.

Clause 117 carried on division.

Clause 118 carried on division.

Clause 119 carried on division.

On Clause 120,

Chuck Cadman moved, -- That Bill C-7, in Clause 120, be amended

(a) by replacing line 22 on page 124 with the following:

"other than a violent offence, the period"

(b) by replacing lines 26 to 32 on page 124 with the following:

"(b) if the offence is a violent offence, the"

The question being put on the amendment, it was negatived.

Clause 120 carried on division.

Clause 121 carried on division.

Clause 122 carried on division.

Clause 123 carried on division.

Clause 124 carried on division.

Clause 125 carried on division.

Clause 126 carried on division.

Clause 127 carried on division.

Clause 128 carried on division.

Clause 129 carried on division.

Clause 130 carried on division.

Clause 131 carried on division.

Clause 132 carried on division.

Clause 133 carried on division.

Clause 134 carried on division.

Clause 135 carried on division.

Clause 136 carried on division.

Clause 137 carried on division.

Clause 138 carried on division.

Clause 139 carried on division.

Clause 140 carried on division.

Clause 141 carried on division.

Clause 142 carried on division.

Clause 143 carried on division.

Clause 144 carried on division.

Clause 145 carried on division.

On Clause 146,

Chuck Cadman moved, -- That Bill C-7, in Clause 146, be amended

(a) by replacing line 42 on page 145 with the following:

"to be sixteen years old or older

(b) by replacing line 1 on page 146 with the following:

","that the young person was sixteen years"

The question being put on the amendment, it was negatived.

Clause 146 carried on division.

Clause 147 carried on division.

Clause 148 carried on division.

Clause 149 carried on division.

Clause 150 carried on division.

Clause 151 carried on division.

Clause 152 carried on division.

Clause 153 carried on division.

Clause 154 carried on division.

Clause 155 carried on division.

Clause 156 carried on division.

Clause 157 carried on division.

Clause 158 carried on division.

Clause 159 carried on division.

Clause 160 carried on division.

Clause 161 carried on division.

Clause 162 carried on division.

Clause 163 carried on division.

Clause 164 carried on division.

Clause 165 carried on division.

Clause 166 carried on division.

Clause 167 carried on division.

Clause 168 carried on division.

Clause 169 carried on division.

Clause 170 carried on division.

Clause 171 carried on division.

Clause 172 carried on division.

Clause 173 carried on division.

Clause 174 carried on division.

Chuck Cadman moved, -- That Bill C-7 be amended by adding before line 11 on page 158 the following new clause:

"174.1 Section 13 of the *Criminal Code* is replaced by the following:

13. No person shall be convicted of an offence in respect of an act or omission on his or her part while that person was under the age of ten years."

The question being put on the amendment, it was negatived.

Clause 175 carried on division.

Clause 176 carried on division.

Clause 177 carried on division.

Clause 178 carried on division.

Clause 179 carried on division.

Clause 180 carried on division.

On Clause 181,

Chuck Cadman moved, -- That Bill C-7, in Clause 181, be amended

(a) by replacing lines 5 and 6 on page 161 with the following:

"*Justice Act*, or the"

(b) by replacing lines 11 and 12 on page 161 with the following:

"order for the discharge or finding of guilt,"

(c) by replacing lines 14 and 15 on page 161 with the following:

"conviction, order for discharge or finding of guilt was"

(d) by replacing lines 23 and 24 on page 161 with the following:

"tenced,"

The question being put on the amendment, it was negatived.

Clause 181 carried on division.

Clause 182 carried on division.

Clause 183 carried on division.

On Clause 184,

John Maloney moved, -- That Bill C-7, in Clause 184, be amended by

(a) replacing line 20 on page 162 with the following:

has been sentenced to a term of imprisonment for an offence while

(b) replacing line 38 on page 162 with the following:

or adult is under sentence of imprisonment imposed under an

After debate, the question being put on the amendment, it was adopted on division.

Clause 184, as amended, carried on division.

Clause 185 carried on division.

Clause 186 carried on division.

Clause 187 carried on division.

Clause 188 carried on division.

Clause 189 carried on division.

On Clause 190,

Chuck Cadman moved, -- That Bill C-7, in Clause 190, be amended by replacing line 30 on page 165

with the following:

"(c) the person was less than sixteen years"

The question being put on the amendment, it was negatived.

Clause 190 carried on division.

Clause 191 carried on division.

Clause 192 carried on division.

Clause 193 carried on division.

Clause 194 carried on division.

Clause 195 carried on division.

Clause 196 carried on division.

Clause 197 carried on division.

Clause 198 carried on division.

Clause 199 carried on division.

Clause 200 carried on division.

Schedule I carried on division.

The Bill, as amended, carried on the following recorded division:

YEAS:

Irwin Cotler

Paul DeVillers

John Maloney

John McKay

Shawn Murphy

Lynn Myers

Stephen Owen

Judy Sgro

(8)

NAYS:

Michel Bellehumeur

Chuck Cadman

Kevin Sorenson

Larry Spencer

Vic Toews

(5)

ORDERED, -- That the Chair report Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts, with amendments to the House as the Second Report of the Committee.

At 5:07 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 11

Tuesday, May 8, 2001

ORDER OF THE DAY:

Study of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts

APPEARING:

Hon. Lawrence MacAulay, Solicitor General of Canada

Hon. Anne McLellan, Minister of Justice and Attorney General of Canada

WITNESS:

Department of Justice Canada:

Yvan Roy, Senior General Counsel, Criminal Law Policy Section.



MINUTES OF PROCEEDINGS

Meeting No. 11

Tuesday, May 8, 2001

The Standing Committee on Justice and Human Rights met at 8:34 a.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Judy Sgro, Kevin Sorenson, Larry Spencer.

Acting Member present: Réal Ménard for Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Appearing: From the Department of Justice: Anne McLellan, Minister of Justice and Attorney General of Canada; *From the Department of the Solicitor General of Canada:* Lawrence MacAulay, Solicitor General of Canada.

Witness(es): From the Department of Justice: Yvan Roy, Senior General Counsel, Criminal Law Policy Section; *From the Department of the Solicitor General of Canada:* Paul Kennedy, Senior Assistant Deputy Solicitor General, Policing and Security Branch.

The Order of Reference dated Thursday, April 26, 2001, being now read as follows:

ORDERED, -- That Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

The ministers made opening statements and with the other witnesses answered questions.

At 10:01 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 12

Tuesday, May 8, 2001

ORDER OF THE DAY:

Study of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts

WITNESSES:

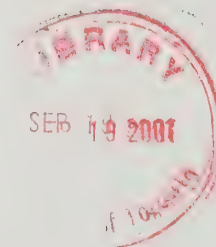
"Barreau du Québec":

Anne-Marie Boivert, Lawyer;

Carole Brosseau, Lawyer, Research and Legislation.

Canadian Civil Liberties Association:

A. Alan Borovoy, General Counsel.





Français

MINUTES OF PROCEEDINGS

Meeting No. 12

Tuesday, May 8, 2001

The Standing Committee on Justice and Human Rights met at 10:10 a.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Judy Sgro, Kevin Sorenson, Larry Spencer, Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Witness(es): From the "Barreau du Québec": Me Carole Brosseau, Lawyer, Research & Legislation; Me Anne-Marie Boisvert, Lawyer. *From the Canadian Civil Liberties Association:* A. Alan Borovoy, General Counsel.

Pursuant to its Order of Reference of Thursday, April 26, 2001, the Committee resumed consideration of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts (*See Minutes of Proceedings, Tuesday, May 8, 2001, Meeting No. 11*).

The witnesses made opening statements and answered questions.

At 11:37 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 13

Tuesday, May 8, 2001

ORDER OF THE DAY:

Study of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts

WITNESSES:

Canadian Bar Association:

Joan Bercovich, Senior Director, Legal and Government Affairs;

Greg DelBigio, Member, National Criminal Justice Section.

Canadian Police Association:

Mike Niebudek, Vice-President; President, Ontario Association of Mounted Police;

Yves Prud'homme, President, "Fédération des policiers et policières municipaux du Québec".

Organized Crime Agency of British Columbia:

Dave Douglas, Chief Officer;

Mike Ryan, Inspector, Proceeds of Crime Division.





Français

MINUTES OF PROCEEDINGS

Meeting No. 13

Tuesday, May 8, 2001

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Judy Sgro, Kevin Sorenson, Vic Toews.

Acting Member(s) present: Réal Ménard for Michel Bellehumeur.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Witness(es): From the Organized Crime Agency of British Columbia: Dave Douglas, Chief Officer; Mike Ryan, Inspector. *From the Canadian Police Association:* Mike Niebudek, Vice-President and President of Ontario Association of Mounted Police; Yves Prud'homme, President, "Fédération des policiers du Québec". *From the Canadian Bar Association:* Joan Bercovich, Senior Director, Legal and Governmental Affairs; Greg DelBigio, Member, National Criminal Justice Section.

Pursuant to its Order of Reference of Thursday, April 26, 2001, the Committee resumed consideration of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts (*See Minutes of Proceedings, Tuesday, May 8, 2001, Meeting No. 11*).

The witnesses made opening statements and answered questions.

At 5:17 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 14

Wednesday, May 9, 2001

ORDER OF THE DAY:

Main Estimates for the fiscal year ending March 31, 2002

APPEARING:

Hon. Lawrence MacAulay, Solicitor General of Canada

WITNESSES:

Canadian Security Intelligence Service:

Ward P. Elcock, Director.

Correctional Service of Canada:

Lucie McClung, Commissioner.

National Parole Board:

Renée Collette, Acting Chair.

Royal Canadian Mounted Police:

Giuliano Zaccardelli, Commissioner.

Solicitor General of Canada:

Nicole Jauvin, Deputy Solicitor General.



MINUTES OF PROCEEDINGS

Meeting No. 14

Wednesday, May 9, 2001

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Bill Blaikie, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Vic Toews, Pierrette Venne.

Acting Member present: Randy White for Larry Spencer.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Appearing: From the Department of the Solicitor General of Canada: The Hon. Lawrence MacAulay, Solicitor General of Canada.

Witness(es): From the Department of the Solicitor General of Canada: Nicole Jauvin, Deputy Solicitor General. *From the Canadian Security Intelligence Service:* Ward P. Elcock, Director. *From the Correctional Service of Canada:* Lucie McClung, Commissioner. *From the National Parole Board:* Renée Collette, Acting Chair. *From the Royal Canadian Mounted Police:* Guiliano Zaccardelli, Commissioner.

Pursuant to Standing Order 81(6) and the Order of Reference dated Tuesday, February 27, 2001, relating to the Main Estimates for the fiscal year ending March 31, 2002, being read as follows:

ORDERED, -- That Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50 under SOLICITOR GENERAL, be referred to the Standing Committee on Justice and Human Rights.

The Chair called Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50.

The Minister made opening statement and with the other witnesses answered questions.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 15

Thursday, May 10, 2001

ORDER OF THE DAY:

Study of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts

WITNESSES:

Criminal Lawyers' Association:

Irwin Koziembrocki, Vice-President, Toronto;

Michael Lomer, Secretary.

Royal Canadian Mounted Police:

Guiliano Zaccardelli, Commissioner.

Toronto Police Service:

Julian Fantino, Chief.

Winnipeg Police Service:

Jack Ewatski, Chief.





MINUTES OF PROCEEDINGS

Meeting No. 15

Thursday, May 10, 2001

The Standing Committee on Justice and Human Rights met at 8:36 a.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Judy Sgro, Kevin Sorenson, Harry Spencer.

Acting Member present: Réal Ménard for Pierrette Venne.

Attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Witness(es): From the Royal Canadian Mounted Police: Guiliano Zaccardelli, Commissioner. *From the Toronto Police Service:* Julian Fantino, Chief. *From the Winnipeg Police Service:* Chief Jack Ewatski, Chief. *From the Criminal Lawyers' Association:* Irwin Kozielbrocki, Vice-President, Toronto; Michael Lomer, Secretary.

Pursuant to its Order of Reference of Thursday, April 26, 2001, the Committee resumed consideration of Bill C-4, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts (*See Minutes of Proceedings, Tuesday, May 8, 2001, Meeting No. 11*).

The witnesses made opening statement and answered questions.

At 10:55 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 16

Tuesday, May 15, 2001

ORDER OF THE DAY:

Study of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts

WITNESSES:

Canadian Council of Criminal Defence Lawyers:

William M. Trudell, Chair.

Federation of Canadian Municipalities:

Pierre Gingras, Mayor of Blainville, "Union des municipalités du Québec";

Bill Marra, Councillor, City of Windsor;

Stéphanie McFayden, Policy Analyst.

"Service de police de la communauté urbaine de Montréal":

Denis Asselin, Director, Legal Affairs Division;

Marc St-Laurent, Assistant Director, "Direction des enquêtes criminelles".



MINUTES OF PROCEEDINGS

Meeting No. 16

Tuesday, May 15, 2001

The Standing Committee on Justice and Human Rights met at 11:11 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Larry Spencer, Vic Toews.

Acting Member present: Réal Ménard for Michel Bellehumeur.

Guests in attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Witness(es): From the "Service de police de la communauté urbaine de Montréal": Marc St-Laurent, Assistant Director, Criminal Investigation Directorate; Denis Asselin, Director, Legal Affairs Division. From the Federation of Canadian Municipalities: Bill Marra, Councillor; Stéphanie McFayden, Policy Analyst; Pierre Gingras, Mayor of Blainville. From the Canadian Council of Criminal Defence Lawyers: William M. Trudell, Chair.

Pursuant to its Order of Reference of Thursday, April 26, 2001, the Committee resumed consideration of Bill C-44, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts (*See Minutes of Proceedings, Tuesday, May 8, 2001, Meeting No. 11*).

The witnesses made opening statements and answered questions.

At 1:16 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 17

Tuesday, May 15, 2001

ORDER OF THE DAY:

Study of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts

WITNESSES:

Department of Justice Canada:

William Bartlett, Counsel, Criminal Law Policy Section;

Stanley Cohen, Senior General Counsel, Human Rights Law Section;

Yvan Roy, Senior General Counsel, Criminal Law Policy Section.

Royal Canadian Mounted Police:

R.G. Lesser, Chief Superintendent, Officer in Charge, Drug Enforcement Branch, Federal Services Directorate.



MINUTES OF PROCEEDINGS

Meeting No. 17

Tuesday, May 15, 2001

The Standing Committee on Justice and Human Rights met at 3:31 p.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul deVilliers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Harry Spencer.

Acting Member present: Réal Ménard for Michel Bellehumeur.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Witness(es): From the Department of Justice: Yvan Roy, Senior General Counsel, Criminal Law Policy Section; Stanley Cohen, Senior General Counsel, Human Rights Law Section; William C. Bartlett, Counsel, Criminal Law Policy Section. *From the Royal Canadian Mounted Police:* R.G. Bob Lesser, Chief Superintendent, Officer in Charge, Drug Enforcement Branch, Federal Services Directorate.

Pursuant to its Order of Reference of Thursday, April 26, 2001, the Committee resumed consideration of Bill C-4, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts (*See Minutes of Proceedings, Tuesday, May 8, 2001, Meeting No. 11*).

Yvan Roy made an opening statement and with the other witnesses answered questions.

It was agreed, -- That the Committee proceed to clause-by-clause consideration of Bill C-24 on Tuesday, May 29, 2001 and that the Committee sit until its report is adopted.

At 6:02 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 18

Wednesday, May 16, 2001

ORDER OF THE DAY:

Study of the Main Estimates for the fiscal year ending March 31, 2002: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50 under Justice

APPEARING:

Hon. Anne McLellan, Minister of Justice and Attorney General of Canada

WITNESSES:

Department of Justice Canada:

Catherine Latimer, Director General, Youth Justice Policy;

Morris Rosenberg, Deputy Minister and Deputy Attorney General of Canada.





MINUTES OF PROCEEDINGS

Meeting No. 18

Wednesday, May 16, 2001

The Standing Committee on Justice and Human Rights met at 4:37 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Irwin Cotler, Paul DeVillers, Ivan Grose, Stephen Owen, Andy Scott, Larry Spencer, Vic Toews.

Acting Member(s) present: Nancy Karetak-Lindell for John McKay, Walt Lastewka for Lynn Myers, John Williams for Kevin Sorenson, Réal Ménard for Michel Bellehumeur.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Appearing: From the Department of Justice: Anne McLellan, Minister of Justice and Attorney General of Canada.

Witness(es): From the Department of Justice: Morris Rosenberg, Deputy Minister & Deputy Attorney General of Canada; Catherine MacLeod, Director, Ministerial Secretariat; Catherine Latimer, Senior Counsel/Director, Youth Justice.

Pursuant to Standing Order 81(6) and the Order of Reference dated Tuesday, February 27, 2001, relating to the Main Estimates for the fiscal year ending March 31, 2002, being read as follows:

ORDERED, -- That Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50 under JUSTICE, be referred to the Standing Committee on Justice and Human Rights.

The Chair called Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50.

The Minister made an opening statement and with the other witnesses answered questions.

John Williams moved, -- That the Chair of the Canadian Human Rights Commission be called to testify before this Committee regarding the apparent distribution of the contents of the Special Report to Parliament on Pay Equity to the media before it was tabled in Parliament on February 15, 2001 and the apparent distribution of the contents of the Annual Report of the Canadian Human Rights Commission to the media before it was tabled in Parliament on March 29, 2001, and that this Committee report its findings back to the House of Commons.

The question being put on the motion, it was negatived by a show of hands:

YEAS: 3

NAYS: 7

At 5:37 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 19

Tuesday, May 29, 2001

ORDER OF THE DAY:

Study of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts

WITNESS:

Department of Justice Canada:

Richard G. Mosley, Assistant Deputy Minister, Policy Sector.





MINUTES OF PROCEEDINGS

Meeting No. 19

Tuesday, May 29, 2001

The Standing Committee on Justice and Human Rights met at 6:19 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Judy Sgro, Kevin Sorenson, Larry Spencer, Vic Toews.

Acting Member present: Larry Bagnell for Irwin Cotler.

In attendance: From the Library of Parliament: Gérald Lafrenière, Researcher; Philip Rosen, Senior Analyst.

Witness(es): From the Department of Justice: Richard G. Mosley, Assistant Deputy Minister, Policy Sector.

Pursuant to its Order of Reference of Thursday, April 26, 2001, the Committee resumed consideration of Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts (*See Minutes of Proceedings, Tuesday, May 8, 2001, Meeting No. 11*).

The Committee proceeded to Clause-by-Clause consideration of the Bill.

On Clause 1,

John Maloney moved, -- That Bill C-24, in Clause 1, be amended by

(a) replacing lines 13 and 14 on page 2 with the following:

(a) a member of the Senate, of the House of Commons, of a legislative assembly or of a municipal council, and

(b) adding after line 17 on page 2 the following:

(i) the Solicitor General of Canada and a Minister responsible for policing in a province,

(c) renumbering the subsequent subparagraphs accordingly.

After debate, the question being put on the amendment, it was adopted.

Vic Toews moved, That Bill C-24, in Clause 1, be amended by replacing lines 9 to 12 on page 3 with the following:

"Release Act,

(xi) an employee and a member of the National Parole Board and of a provincial parole board, and

(xii) a provincial justice minister and a member of a provincial legislature;"

After debate, by unanimous consent, the motion was withdrawn.

After debate, Clause 1, as amended, carried.

On Clause 2,

Michel Bellehumeur moved, -- That Bill C-24, in Clause 2, be amended by replacing line 29 on page 4 with the following:

"direction to commit, with the approval of a judge, acts or omissions that"

After debate, the question being put on the amendment, it was negatived on the following recorded division:

YEAS:

Michel Bellehumeur

Bill Blaikie

Peter MacKay

(3)

NAYS:

Carole-Marie Allard

Larry Bagnell

Chuck Cadman

Paul DeVillers

Ivan Grose

John Maloney

John McKay

Lynn Myers

Stephen Owen

Judy Sgro

Kevin Sorenson

Larry Spencer

Vic Toews

(13)

John Maloney moved, -- That Bill C-24, in Clause 2, be amended by replacing line 28 on page 5 with the following:

(6) may be made subject to conditions, including conditions limiting

(a) the duration of the designation;

(b) the nature of the conduct in the investigation of which a public officer may be justified in committing, or directing another person to commit, acts or omissions that would otherwise constitute an offence; and

(c) the acts or omissions that would otherwise constitute an offence and that a public officer may be justified in committing or directing another person to commit.

After debate, the question being put on the amendment, it was adopted.

Michel Bellehumeur moved, -- That Bill C-24, in Clause 2, be amended by replacing lines 34 to 37 on page 5 with the following:

"(a) is engaged in the investigation of organized crime;"

After debate, it was agreed by unanimous consent that the amendment be amended to read as follows:

That Bill C-24, in Clause 2, be amended by replacing lines 34 to 37 on page 5 with the following:

"(a) is engaged in the investigation of a criminal organisation;"

After debate, the question being put on the amendment, as amended, it was negatived on the following recorded division:

YEAS:

Michel Bellehumeur

Bill Blaikie

Peter MacKay

John McKay

Stephen Owen

Judy Sgro

(6)

NAYS:

Carole-Marie Allard

Larry Bagnell

Chuck Cadman

Paul DeVillers

Ivan Grose

John Maloney

Lynn Myers

Kevin Sorenson

Larry Spencer

Vic Toews

(10)

Michel Bellehumeur moved, -- That Bill C-24, in Clause 2, be amended by replacing line 41 on page 5 with the following:

"(c) obtains an order from a judge who is satisfied that the"

The motion was negatived.

Michel Bellehumeur moved, -- That Bill C-24, in Clause 2, be amended by replacing lines 8 to 44 on page 6 with the following:

"(9) The judge shall not authorize the public officer to commit an act or omission that would otherwise constitute an offence and that would be likely to result in loss of or serious damage to property, or to direct the commission of an act or omission under subsection (10), unless, in addition to meeting the

conditions set out in paragraphs (8)(a) to (c), the public officer is personally authorized in writing to commit the act or omission - or direct its commission - by a senior official who believes on reasonable grounds that committing the act or omission, as compared to the nature of the offence or criminal activity being investigated, is reasonable and proportional in the circumstances, having regard to such matters as the nature of the act or omission, the nature of the investigation and the reasonable availability of other means for carrying out the public officer's law enforcement duties."

The motion was negatived.

John Maloney moved, -- That Bill C-24, in Clause 2, be amended by replacing lines 3 to 7 on page 7 with the following:

offence is justified in committing it if

(a) a public officer directs him or her to commit that act or omission and the person believes on reasonable grounds that the public officer has the authority to give that direction; and

(b) he or she believes on reasonable grounds that the commission of that act or omission is for the purpose of assisting

After debate, the question being put on the amendment, it was adopted.

Michel Bellehumeur moved, - That Bill C-24, in clause 2, be amended by replacing lines 5 to 9 on page 7 with the following:

"officer;

(b) believes on reasonable grounds that its commission is for the purpose of assisting the public officer in the public officer's law enforcement duties; and

(c) is personally authorized to commit it by an order obtained from a judge under subsection (8)."

The motion was negatived.

John Maloney moved, -- That Bill C-24, in Clause 2, be amended by adding after line 9 on page 7 the following:

(10.1) Nothing in subsection (8) or (9) justifies a public officer in directing the commission of an act or omission

(a) that is likely to result in destruction of or damage to property, if the value of the property destroyed or the damage would likely exceed five thousand dollars; or

(b) in which violence against a person is likely to be used or attempted.

(10.2) Nothing in subsection (10) justifies a person in committing an act or omission at the direction of a public officer if the person, in doing so

(a) intentionally or recklessly causes destruction of or damage to property, if the value of the property destroyed or the damage exceeds five thousand dollars; or

(b) uses or attempts to use violence against a person.

After debate, the question being put on the amendment, it was negatived on the following recorded division:

YEAS:

Michel Bellehumeur
Chuck Cadman
Paul DeVillers
John Maloney
Larry Spencer
Stephen Owen

(6)

NAYS:

Carole-Marie Allard
Larry Bagnell
Bill Blaikie
Ivan Grose
Peter MacKay
John McKay
Lynn Myers
Judy Sgro
Vic Toews

(9)

Vic Toews moved, -- That Bill C-24, in Clause 2, be amended by adding after line 34 on page 7 the following:

"(15) Nothing in this section affects the right of an innocent third party to bring suit in a court against a public officer or other person acting at his or her direction for the recovery of damages alleged to have been caused by the public officer or other person carrying out his or her duties."

After debate, the question being put on the amendment, it was negatived on the following recorded division:

YEAS:

Bill Blaikie
Chuck Cadman
Peter MacKay
Larry Spencer
Vic Toews

(5)

NAYS:

Carole-Marie Allard
Larry Bagnell
Michel Bellehumeur
Paul DeVillers
Ivan Grose
John Maloney
John McKay
Lynn Myers
Stephen Owen
Judy Sgro

(10)

Clause 2, as amended, carried on the following recorded division:

YEAS:

Carole-Marie Allard

NAYS:

Michel Bellehumeur

Larry Bagnell
Chuck Cadman
Paul DeVillers
Ivan Grose
Peter MacKay
John Maloney
John McKay
Lynn Myers
Stephen Owen
Judy Sgro
Larry Spencer
Vic Toews
(13)

Bill Blaikie
(2)

Clause 3 carried.

On Clause 4,

John Maloney moved, -- That Bill C-24, in Clause 4, be amended

(a) by adding after line 4 on page 14 the following:

(e.1) the Crimes Against Humanity and War Crimes Act,

(b) by replacing line 39 on page 14 with the following:

statements), or

(c) by replacing line 41 on page 14 and lines 1 to 3 on page 15 with the following:

Secrets Act,

and includes any other offence that there are reasonable grounds to believe is a criminal organization offence;

The question being put on the amendment, it was adopted.

Clause 4, as amended, carried.

Clause 5 carried.

Clause 6 carried.

Clause 7 carried.

Clause 8 carried.

Clause 9 carried.

Clause 10 carried.

On Clause 11,

Michel Bellehumeur moved, -- That Bill C-24, in Clause 11, be amended by replacing line 45 on page 17 with the following:

"subsection (2) against a justice system participant or a journalist with the intent"

Unanimous consent was denied to move this amendment in a more appropriate place in the Bill.

After debate, the question being put on the amendment, it was adopted on the following recorded division:

YEAS:

Carole-Marie Allard
Michel Bellehumeur
Chuck Cadman
Ivan Grose
Peter MacKay
Larry Spencer
Vic Toews
(7)

NAYS:

Larry Bagnell
Paul DeVillers
John Maloney
John McKay
Lynn Myers
Stephen Owen
Judy Sgro
(7)

The result of the vote was announced: YEAS: 7, NAYS: 7.

Whereupon the Chair voted in the affirmative.

Accordingly, the amendment carried.

John Maloney moved, -- That Bill C-24, in Clause 11, be amended by replacing line 45 on page 17 and lines 1 to 4 on page 18 with the following:

subsection (2) with the intent to provoke a state of fear in

- (a) a group of persons or the general public in order to impede the administration of criminal justice; or
- (b) a justice system participant in order to impede the justice system participant

The Chair ruled the amendment out of order because it sought to amend the same line in the Bill as the previously carried amendment.

Clause 11, as amended, carried.

Clause 12 carried.

Clause 13 carried.

Clause 14 carried.

Clause 15 carried.

Clause 16 carried.

Clause 17 carried.

Clause 18 carried.

On Clause 19,

Michel Bellehumeur moved, -- That Bill C-24, in Clause 19, be amended by adding after line 28 on page 25 the following:

"(2.2) Subsections (1), (2) and (2.1) do not apply in the case of an offender who is able to show on a balance of probabilities that the property or proceeds come from a lawful source."

After debate, the question being put on the amendment, it was negatived.

Clause 19 carried.

Clause 20 carried.

Clause 21 carried.

Clause 22 carried.

Clause 23 carried.

Clause 24 carried.

Clause 25 carried.

Clause 26 carried.

On Clause 27,

John Maloney moved, -- That Bill C-24, in Clause 27, be amended by replacing lines 39 to 45 on page 29 and lines 1 to 6 on page 30 with the following:

"criminal organization" means a group, however organized, that

(a) is composed of three or more persons in or outside Canada; and

(b) has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group.

It does not include a group of persons that forms randomly for the immediate commission of a single

offence.

The question being put on the amendment, it was adopted.

Michel Bellehumeur moved, -- That Bill C-24, in Clause 27, be amended by replacing line 26 on page 30 with the following:

"**467.11** (1) Every person who belongs to a criminal organization or who, for the"

After debate, the question being put on the amendment, it was negatived.

Clause 27, as amended, carried.

Clause 28 carried.

Clause 29 carried.

Clause 30 carried.

On Clause 31,

John Maloney moved, -- That Bill C-24, in Clause 31, be amended by replacing line 17 on page 36 with the following:

connection with the indictable offence if

The question being put on the amendment, it was adopted.

John Maloney moved, -- That Bill C-24, in Clause 31, be amended by replacing line 22 on page 36 with the following:

l'accusant de l'acte criminel;

The question being put on the amendment, it was adopted.

Clause 31, as amended, carried.

Clause 32 carried.

Clause 33 carried.

Clause 34 carried.

Clause 35 carried.

Clause 36 carried.

Clause 37 carried.

Clause 38 carried.

Clause 39 carried.

Clause 40 carried.

Clause 41 carried.

Clause 42 carried.

Clause 43 carried.

Clause 44 carried.

Clause 45 carried.

Clause 46 carried.

On new Clause (46.1)

John Maloney moved, -- That Bill C-24 be amended by adding after line 33 on page 45 the following:

Review of sections 25.1 to 25.4 of the Criminal Code

46.1 Within five years after this section comes into force, a review of sections 25.1 to 25.4 of the Criminal Code and their operation shall be undertaken by any committee of the Senate, of the House of Commons or of both Houses of Parliament that is designated or established for that purpose.

After debate, John McKay moved the following sub-amendment: That the word "five" be replaced by the word "three".

After debate, the question being put on the sub-amendment, it was adopted.

The question being put on the amendment, as amended, it was adopted.

Clause 47 carried.

Clause 48 carried.

Clause 49 carried.

Clause 50 carried.

Clause 51 carried.

Clause 52 carried.

Clause 53 carried.

Clause 54 carried.

Clause 55 carried.

Clause 56 carried.

On Clause 57,

John Maloney moved, -- That Bill C-24, in Clause 57, be amended by replacing lines 40 to 42 on page 51 with the following:

56.1 Subparagraph 125(1)(a)(vi) of the French version of the Corrections and Conditional Release Act is replaced by the following:

(vi) une infraction d'organisation criminelle, au sens de l'article 2 du Code criminel, y compris l'infraction visée au paragraphe 82(2);

57. Paragraphs 3(d) and (e) of Schedule II to the Act are repealed.

RULING BY THE CHAIR

The amendment is not receivable because it aims to amend a section of the parent Act not specifically amended by a clause of Bill C-24.

Clause 57 carried.

Clause 58 carried.

Clause 59 carried.

Clause 60 carried.

Clause 61 carried.

Clause 62 carried.

Clause 63 carried.

Clause 64 carried.

Clause 65 carried.

Clause 66 carried.

On Clause 67,

John Maloney moved, -- That Bill C-24, in Clause 67, be amended by replacing lines 9 and 10 on page 59 with the following:

"serious offence" means an offence under this Act or an indictable offence under any other Act of Parliament, for which the maximum punishment is imprisonment for five years or more, or an offence that is prescribed by regulation under subsection 467.1(4) of the Criminal Code;

The question being put on the amendment, it was adopted.

Clause 67, as amended, carried.

On Clause 68,

John Maloney moved, -- That Bill C-24 be amended by adding after line 5 on page 60 the following:

68.1 Paragraph (d) of the definition "infraction désignée" in section 153 of the French version of the Act is replaced by the following:

d) toute infraction d'organisation criminelle punissable aux termes de la présente loi.

RULING BY THE CHAIR

The amendment is not receivable because it aims to amend a section of the parent Act not specifically amended by a clause of Bill C-24.

Clause 68 carried.

Clause 69 carried.

Clause 70 carried.

Clause 71 carried.

Clause 72 carried.

Clause 73 carried.

Clause 74 carried.

Clause 75 carried.

Clause 76 carried.

Clause 77 carried.

Clause 78 carried.

Clause 79 carried.

Clause 80 carried.

On Clause 81,

John Maloney moved, -- That Bill C-24, in Clause 81, be amended

(a) by adding after line 16 on page 69 the following:

(e.1) the Crimes Against Humanity and War Crimes Act,

(b) by replacing line 15 on page 70 with the following:

officers), or

(c) by replacing lines 17 to 20 on page 70 with the following:

Secrets Act,

and includes any other offence that there are reasonable grounds to believe is a criminal organization offence;

The question being put on the amendment, it was adopted.

Clause 81, as amended, carried.

Clause 82 carried.

Clause 83 carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, -- That Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts, as amended, be reprinted for the use of the House of Commons at Report Stage.

ORDERED, -- That the Chair report Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts with amendments to the House as the Third Report of the Committee.

At 10:00 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 20

Tuesday, June 5, 2001

ORDER OF THE DAY:

Study of the Main Estimates for the fiscal year ending March 31, 2002: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50 under Justice

WITNESSES:

Canadian Human Rights Commission:

Michelle Falardeau-Ramsay, Chief Commissioner;

John Hucker, Secretary General.





MINUTES OF PROCEEDINGS

Meeting No. 20

Tuesday, June 5, 2001

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 308, West Block, the Vice-Chair, Ivan Grose, presiding.

Member(s) of the Committee present: Irwin Cotler, Paul DeVillers, Ivan Grose, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Judy Sgro, Larry Spencer, Vic Toews.

Acting Member present: Antoine Dubé for Michel Bellehumeur.

In attendance: From the Library of Parliament: Nancy Holmes, Researcher; Philip Rosen, Senior Analyst.

Witness: From the Canadian Human Rights Commission: Michelle Falardeau-Ramsay, Chief Commissioner; John Hucker, Secretary General.

Pursuant to Standing Order 81(6) and the Order of Reference dated Tuesday, February 27, 2001, relating to the Main Estimates for the fiscal year ending March 31, 2002, being read as follows:

ORDERED, -- That Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50 under JUSTICE, be referred to the Standing Committee on Justice and Human Rights.

The Chair called Vote 10, Canadian Human Rights Commission.

The Chief Commissioner made an opening statement and with the other witness answered questions.

At 4:41 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Roger Préfontaine

Clerk(s) of the Committee

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 21

Tuesday, October 2, 2001

ORDER OF THE DAY:

Election of a Chair and Vice-Chairs





Français

MINUTES OF PROCEEDINGS

Meeting No. 21

Tuesday, October 2, 2001

The Standing Committee on Justice and Human Rights met at 11:00 a.m. this day, in Room 269, West Block.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Stephen Owen, Denis Paradis, The Hon. Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Brian Fitzpatrick for Myron Thompson; Derek Lee for Marie-Carole Allard; Marlene Catterall for Irwin Cotler; Bob Wood for Lynn Myers.

In attendance: From the Library of Parliament: Philip Rosen, Senior Analyst.

Pursuant to Standing Order 106 (1) and (2), election of a Chair and Vice-Chairs.

The Clerk presided over the election of the Chair.

Chuck Cadman moved, -- That Andy Scott do take the Chair of this Committee as Chairman.

The question being put on the motion, it was agreed to unanimously.

Accordingly, Andy Scott was declared duly elected Chair and took the Chair.

On motion of Denis Paradis, it was agreed unanimously, -- That Chuck Cadman be elected Vice-Chair of the Committee

On motion of Paul DeVillers, it was agreed unanimously, -- that Denis Paradis be elected Vice-Chair of the Committee.

On motion of Paul DeVillers, it was agreed, that, pursuant to the order of the House of September 25, 2001, the Minister of Justice be invited to appear today between 4:30 and 5:30 p.m. to speak to the portions of Bill C-15, an *Act to amend the Criminal Code and to amend other Acts* containing the provisions respecting the protection of children from sexual exploitation, criminal harassment, disarming or attempting to disarm a peace officer, home invasions, allegations of miscarriages of justice and reform and modernization of criminal procedures;

On motion of Bill Blaikie, It was agreed, that, pursuant to its order of reference dated September 26, 2001, this Committee divides Bill C-15, *An Act to amend the Criminal Code and to amend other Acts* into two bills;

That the provisions in Bill C-15 respecting protection of children from sexual exploitation, criminal harassment, disarming or attempting to disarm a peace officer, home invasions, allegations of

miscarriage of justice and reform and modernization of criminal procedure, and consisting of clauses: 1 to 3, 10 to 14, 16 to 23, 25 to 96, and 145 to 151, do compose Bill C-15A, *An Act to amend the Criminal Code and to amend other Acts*;

That the provisions in Bill C-15 respecting cruelty to animals and amendments to the Firearms Act, and consisting of clauses: 1(edited), 4 to 9, 15, 24, 97 to 144, and 151(edited), do compose Bill C-15B, *An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act*;

ORDERED - that the General Legislative Counsel of the House of Commons be instructed to prepare a working copy of both bills for consideration of the committee during clause-by-clause examination, renumbering all the clauses and making any necessary editorial changes;

ORDERED -That Working Copies of Bills C-15A and C-15B be printed for use at clause-by-clause consideration;

ORDERED - That the General Legislative Counsel create a table of concordance linking the clauses of Bill C-15 to the appropriate clauses in Bill C-15A and Bill C-15B; and

ORDERED - That the Chair report to the House on the division of Bill C-15, *An Act to amend the Criminal Code and to amend other Acts*.

It was agreed, that the Committee would hear witnesses on Bill 15A, *An Act to amend the Criminal Code and to amend other Acts*, on Wednesday afternoon between 3:30 p.m and 6:30 p.m. and on Thursday morning beginning at 9:00 p.m. and that the Committee would then proceed to clause-by-clause consideration of the Bill following the witnesses on Thursday morning;

On motion of Derek Lee, a budget request of \$66,700 was approved and the Chair was instructed to seek these funds from the Liaison Committee

ORDERED – that staff prepare a briefing note on the Miscellaneous Statute Law Amendment Act proposals for consideration at a later date by the Committee.

ORDERED – that committee staff prepare a draft work plan for the committee’s consideration taking into account the following items: the Study of Bill C-15B *An Act to amend the criminal Code (Cruelty to Animals and Firearms) and the Firearms Act*, any additional legislation that may be forthcoming; notice of motions given by Kevin Sorenson to call the Solicitor General and the Commissioner of the RCMP to appear before the Committee; the Miscellaneous Statute Law Amendment Proposal; the statutory review of the Mental Health Provisions of the Criminal Code; and the Issue of Conditional Sentencing;

Mr. Derek Lee gave notice of the following motion:

“That pursuant to Standing Order 108(1)(a) and (b) a Sub-Committee on National Security, composed of 9 Members; 5 Members from the Liberal Party; one Member from the Canadian Alliance; one Member from the Bloc Québécois; one Member from the New Democratic Party and one Member from the PC/DR, be established with all the powers of the Committee except the power to report to the House; and pursuant to Standing Order 108(2) the mandate of the said Sub-Committee shall include review and consideration of the budgets and the propriety and efficacy of the functions performed and the powers exercised by the Canadian Security Intelligence Service (CSIS), the RCMP National Security Investigations Branch, and their relationships with all departments and agencies with which they have a memorandum of

understanding or other working arrangements, the Annual Report to Parliament of the Security Intelligence Review Committee, all Special Reports made by SIRC under section 54 of the CSIS Act, the operations of the SIRC on behalf of Parliament, the Annual Statement on National Security made by the Solicitor General, the Annual Public Report made by the Director of CSIS”.

It was agreed, that Mr. Lee should be mandated to hold informal discussions regarding this motion with members of the Committee from all parties and that the motion would be considered at a later meeting of the Committee.

At 12:00 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 22

Tuesday, October 2, 2001

ORDER OF THE DAY:

Study of Bill C-15, An Act to amend the Criminal Code and to amend other Acts

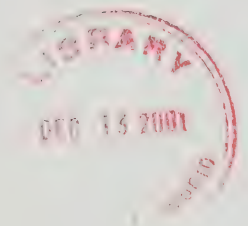
APPEARING:

Hon. Anne McLellan, Minister of Justice and Attorney General of Canada

WITNESS:

Department of Justice Canada:

Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section.





MINUTES OF PROCEEDINGS

Meeting No. 22

Tuesday, October 2, 2001

The Standing Committee on Justice and Human Rights met at 4:34 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Paul DeVillers, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

In attendance: From Committees and Legislative Services: Richard Dupuis, Legislative Clerk; *From the Library of Parliament:* David Goetz, Researcher; Philip Rosen, senior analyst.

Appearing: From the Department of Justice Canada: Anne McLellan, Minister of Justice and Attorney General of Canada.

Witnesses: From the Department of Justice Canada: Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section; Howard H. Bebbington, Counsel, Criminal Law Policy Section.

The Order of Reference dated Monday, March 19, 2001, being now read as follows:

ORDERED, -- That Bill C-15, An Act to amend the Criminal Code and to amend other Acts be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

Minister McLellan made a statement, and with the other witnesses, answered questions.

At 5:35 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 23

Wednesday, October 3, 2001

ORDER OF THE DAY:

Study of Bill C-15, An Act to amend the Criminal Code and to amend other Acts

WITNESSES:

Round Table I

Association in the Defence of the Wrongfully Convicted:

James Lockyer, Director;

Joyce Milgaard, Director.

Round Table II

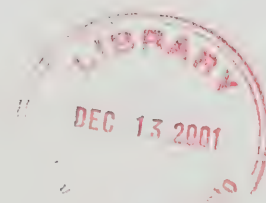
Canadian Association of Chiefs of Police:

Michael Shard, Superintendent;

Vincent Westwick, Co-Chair.

Canadian Police Association:

David Griffin, Executive Officer.





MINUTES OF PROCEEDINGS

Meeting No. 23

Wednesday, October 3, 2001

The Standing Committee on Justice and Human Rights met at 3:31 p.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Kevin Sorenson.

Acting Member present: Brian Fitzpatrick for Myron Thompson.

In attendance: From Committees and Legislative Services: Richard Dupuis, Legislative Clerk; *From Library of Parliament:* Philip Rosen, senior analyst.

Witnesses: Roundtable I: From the Association in Defence of the Wrongly Convicted: James Lockyer, Director; Joyce Milgard, Director. **Roundtable II:** *From the Canadian Police Association:* David Griffin, Executive Officer. *From the Canadian Association of Chiefs of Police:* Vincent Westwick, Co-Chair; Michael Shard, Superintendent.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill C-15, An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act (*See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22*).

The witnesses made statements and answered questions.

At 4:43 p.m., the sitting was suspended.

At 4:53 p.m., the sitting resumed.

It was agreed, - That the Committee extend its sitting hours to Wednesday evening, when needed.

At 6:26 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 24

Thursday, October 4, 2001

ORDER OF THE DAY:

Study of Bill C-15, An Act to amend the Criminal Code and to amend other Acts

WITNESSES:

Round Table I

Canadian Association of Internet Providers:

Jay Thomson, President.

Canadian Cable Television Association:

Lori Assheton-Smith, General Counsel and Vice-President, New Media.

Canadian Resource Centre for Victims of Crime:

Steve Sullivan, President and Executive Director.

Victims of Violence Centre for Missing Children:

Gary Rosenfeldt, Executive Director.

Round Table II

Department of Justice Canada:

Howard H. Beddington, Counsel, Criminal Law Policy;



Lisette Lafontaine, Senior Counsel, Criminal Law Policy;

Mary S. McFadyen, Senior Counsel, Criminal Conviction Review Group.



Français

MINUTES OF PROCEEDINGS

Meeting No. 24

Thursday, October 4, 2001

The Standing Committee on Justice and Human Rights met at 9:03 a.m. this day, in Room 209, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson.

Acting Member present: Brian Fitzpatrick for Myron Thompson.

In attendance: From Committees and Legislative Services: Richard Dupuis, Legislative Clerk. *From the Library of Parliament:* David Goetz, researcher; Philip Rosen, senior analyst.

Witnesses: Round Table I: From the Canadian Association of Internet Providers: Jay Thomson, President, CAIP. *From the Canadian Cable Television Association:* Lori Assheton-Smith, General Counsel, V.P. New Media. *From the Canadian Resource Centre for Victims of Crime:* Steve Sullivan, President and Executive director. *From the Victims of Violence Centre for Missing Children:* Gary Rosenfeldt, Executive Director. **Round Table II:** *From the Department of Justice Canada:* Howard H. Bebbington, Counsel, Criminal Law Policy Section; Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section; Mary McFadyen, Senior Counsel, Criminal Law Policy Section.

Pursuant to its Order of Reference of Wednesday, September 26, 2001, the Committee resumed consideration of Bill C-15A, An Act to amend the Criminal Code and to amend other Acts (*See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22*).

The witnesses made opening statements and answered questions.

At 9:37 a.m., the sitting was suspended.

At 10:43 a.m., the sitting resumed in Room 371, West Block.

On a motion of John McKay, it was agreed by unanimous consent, -- That in Bill C-15A, clauses 11 and 24 shall be deleted and inserted into Bill C-15B on page 5 as new clause 8.1 and new clause 9.1 respectively, and

That the Committee shall treat these changes as amendments in its report to the House on the Bills.

At 12 noon, the sitting was suspended

At 12:10 p.m., the sitting was resumed.

The Committee proceeded to Clause-by-Clause consideration of the Bill.

Appearing: Stephen Owen, Parliamentary Secretary to the Minister of Justice and Attorney General of Canada.

Pursuant to Standing Order 75 (1), consideration of Clause 1 is postponed.

Clause 2 carried by a show of hands.

Clause 3 carried by a show of hands.

Clause 4 carried by a show of hands.

On Clause 5,

Peter MacKay moved, -- That Bill C-15A, in Clause 5, be amended by replacing lines 33 to 35 on page 2 with the following:

"(3) Every person who knowingly transmits, knowingly makes available, knowingly distributes, knowingly sells, knowingly imports, knowingly exports or knowingly possesses for the purpose of transmission, "

The question being put on the amendment, it was negatived.

Peter MacKay moved, -- That Bill C-15A be amended, in clause 5, by adding after line 37 on page 2 the following new clause:

"(2.1) Section 163.1 of the Act is amended by adding the following after subsection (3):

(3.1) For greater certainty, the custodian of a computer system who merely provides the means or facilities of telecommunication used by another person to commit one or more of the offences under subsection (3) does not itself commit such offences.

(3.2) In this section, "telecommunication" has the same meaning as in sections 326 and 327 of this Act."

The question being put on the amendment, it was negatived.

Clause 5 carried by a show of hands.

Clause 6 carried by a show of hands.

Clause 7 carried by a show of hands.

On Clause 8,

Chuck Cadman moved, -- That Bill C-15A, in Clause 8, be amended by adding after line 29 on page 7 the following:

"(2.1) When an accused is convicted of more than one offence under subsection (1), the court that sentences the accused shall direct that any terms of imprisonment that are imposed by the court shall be

served consecutively.

The question being put on the amendment, it was negatived.

Clause 8 carried by a show of hands.

Clause 9 carried by a show of hands.

Clause 10 carried by a show of hands.

Clause 11 was negatived.

Clause 12 to 23 carried severally.

Clause 24 was negatived.

Clause 25 to 71 carried severally.

Clause 72 was debated and carried on the following recorded division:

YEAS:

Carole-Marie Allard
Bill Blaikie
Irwin Cotler
Paul DeVillers
Ivan Grose
John Maloney
Lynn Myers
Stephen Owen
Denis Paradis
(9)

NAYS:

Michel Bellehumeur
Chuck Cadman
Brian Fitzpatrick
Peter MacKay
John McKay
Kevin Sorenson
(6)

On Clause 73,

Peter MacKay moved, -- That Bill C-15A, in Clause 73, be amended by replacing line 33 on page 37 with the following:

"this Part, an independent tribunal shall review"

Ruling by the Chair

This amendment is out of order as it infringes on the financial initiative of the Crown as fixed by the Royal Recommendation.

And the question being put on Clause 73, it carried on division.

Clause 74 to 95 carried severally.

The Title carried by a show of hands.

Clause 1 carried by a show of hands.

The Bill, as amended, carried on division.

ORDERED, -- That Bill C-15A, An Act to amend the Criminal Code and to amend other Acts, as amended, be reprinted for the use of the House of Commons at Report Stage.

ORDERED, -- That the Chair report Bill C-15A with amendments to the House as the Fifth Report of the Committee.

At 1:20 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 25

Tuesday, October 16, 2001

ORDERS OF THE DAY:

In camera meeting on future business

Study of Bill C-15B, An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act

WITNESSES:

Round Table I

Canadian Shooting Sports Association:

Tony Bernardo, Executive Director, Canadian Institute for Legislative Action;

Larry Whitmore, Executive Manager.

December 6 Victims Foundation Against Violence:

Amélie Baillargeon, Representative, Action Committee on Women and Urban Safety;

David Singleton, Coordinator, Montreal Assault Prevention Centre.

User Group on Firearms:

Steve Torino, President.



Round Table II

Coalition for Gun Control:

Wendy Cukier, President;

Arn Snyder, Spokesperson, Canadian Criminal Justice Association.

National Firearms Association:

Wally Butts, National Vice-President, Communications;

David A. Tomlinson, Legal Chairman.

Nova Scotia Federation of Anglers and Hunters:

Tony Rodgers, Executive Director.

Ontario Federation of Anglers and Hunters:

Peter Danson, Counsel;

Gordon Gallant, Firearms Specialist.



MINUTES OF PROCEEDINGS

Meeting No. 25

Tuesday, October 16, 2001

The Standing Committee on Justice and Human Rights met *in camera* at 9:15 a.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Paul DeVillers, Ivan Grose, Peter MacKay, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Garry Breitkreuz for Chuck Cadman, Brian Fitzpatrick for Myron Thompson.

In attendance: From the Library of Parliament: Gérald Lafrenière, researcher; Philip Rosen, senior analyst.

Witnesses: From the Canadian Shooting Sports Association: Larry Whitmore, Executive Manager; Tony Bernardo, Executive Director, Canadian Institute for Legislative Action. *From the User Group on Firearms:* Steve Torino, President. *From the "Fondation des victimes du 6 décembre contre la violence":* David Singleton, Coordinator, Montreal Assault Prevention Centre; Amélie Baillargeon, Representative, « Comité d'action femmes et sécurité urbaine ». *From the National Firearms Association:* David A. Tomlinson, Legal Chairman; Wally Butts, National Vice President, Communications. *From the Coalition for Gun Control:* Wendy Cukier, President; Arn Snyder, Spokesperson, Criminal Justice Association. *From the Nova Scotia Federation of Anglers and Hunters:* Tony Rodgers, Executive Director. *From the Ontario Federation of Anglers and Hunters:* Gordon Gallant, Firearms Specialist; Peter Danson, Counsel.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill 15, *An Act to amend the Criminal Code and to amend other Acts (See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22).*

With unanimous consent, Mr. Sorenson withdrew his motion for the invitation of the Solicitor General and Commissioner of the RCMP with the understanding that they would be invited to appear as witnesses on Bill C-36, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism.*

It was agreed, that the Committee would hear witnesses on Bill C-15B, *An Act to amend the criminal Code (Cruelty to Animals and Firearms) and the Firearms Act*, on Wednesday evenings between 5:30 p.m. and 7:30 p.m.

It was agreed, that the Committee would hear witnesses on Bill C-36, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism* on Tuesdays from 9:30 to 1 p.m., Tuesdays from 3:30 to 5:30 (with consultations with the House Leaders' offices on witnesses), Wednesdays from 3:30 p.m. to 5:30 p.m. and Thursdays from 9:30 a.m. to 1 p.m.

It was agreed, that the Committee members would sent their suggested witnesses to the Clerk on Bill C-36, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order*

to combat terrorism.

It was agreed, that the Committee would hear witnesses on the Miscellaneous Statute Law Amendment Act, on Thursday morning between 9:30 a.m. and 1 p.m. subject to cancellation if Bill C-36, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism* is sent to Committee on Wednesday.

It was agreed, that Mr. Paradis be mandated to approach the Whips office concerning an invitation from the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform and Oversight, U.S. House of Representatives to attend a field hearing at the Highgate Springs, Vermont and Champlain, New York border crossing on October 28 and 29, 2001.

The Committee acknowledged the following items in their work plan: Bill C-30, *An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts*, the statutory review of the Mental Health Provisions of the Criminal Code; and the Issue of Conditional Sentencing.

At 9:32 a.m., the sitting was suspended.

At 9:37 a.m., the sitting resumed in a televised session.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill 15, *An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act (See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22)*.

The witnesses made statements and answered questions.

At 10:40 a.m., the sitting was suspended.

At 10:48 a.m., the sitting resumed.

At 12:34 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 26

Tuesday, October 16, 2001

ORDER OF THE DAY:

Study of Bill C-15B, An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act

WITNESSES:

Canadian Council on Animal Care:

Marie Bédard, Director of Communications;

Clément Gauthier, Executive Director.

Fur Council of Canada:

Alan Herscovici, Executive Vice-President.

World Society for the Protection of Animals:

Lesli Bisgould, Lawyer.





MINUTES OF PROCEEDINGS

Meeting No. 26

Tuesday, October 16, 2001

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Ivan Grose, Peter MacKay, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Diane Bourgeois for Michel Bellehumeur, Benoît Sauvageau for Pierrette Venne, Derek Lee for John Maloney, Brian Fitzpatrick for Myron Thompson, Howard Hilstrom for Chuck Cadman.

Associate Members present: Inky Mark, Tom Wappel.

In attendance: From the Library of Parliament: Gérald Lafrenière, researcher.

Witnesses: From the **Fur Council of Canada**: Alan Herscovici, Executive Vice-President. From the **Canadian Council on Animal Care**: Dr. Clément Gauthier, Executive Director, Marie Bédard, Director of Communications. From **World Society for the Protection of Animals**: Lesli Bisgould.

Pursuant to the notice given on October 2, 2001, the Committee began consideration of the following motion to:

Re-establish the Sub-Committee on National Security:

That pursuant to Standing Order 108(1)(a) and (b) a Sub-Committee on National Security, composed of 9 Members; 5 Members from the Liberal Party; one Member from the Canadian Alliance; one Member from the Bloc Québécois; one Member from the New Democratic Party and one Member from the PC/DR, be established with all the powers of the Committee except the power to report to the House; and pursuant to Standing Order 108(2) the mandate of the said Sub-Committee shall include review and consideration of the budgets and the propriety and efficacy of the functions performed and the powers exercised by the Canadian Security Intelligence Service (CSIS), the RCMP National Security Investigations Branch, and their relationships with all departments and agencies with which they have a memorandum of understanding or other working arrangements, the Annual Report to Parliament of the Security Intelligence Review Committee, all Special Reports made by SIRC under section 54 of the CSIS Act, the operations of the SIRC on behalf of Parliament, the Annual Statement on National Security made by the Solicitor General, the Annual Public Report made by the Director of CSIS”.

Derek Lee moved the following amendment:

That the sub-committee be composed of 11 members, 6 members from the Liberal Party, two members from the Canadian Alliance; one member from the Bloc Québécois; one member from the New Democratic Party and one Member from the PC/DR and that the review of the annual report of the Commissioner of the Communications Security Establishment be added to the mandate of the said sub-committee.”

And the question being put on the amendment, it was agreed to.

The question being put on the motion, it was agreed to unanimously.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill C-15, An Act to amend the Criminal Code and to amend other Acts (*See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22*).

Alan Herscovici, Dr. Clément Gauthier and Lesli Bisgould each made a statement and, with Marie Bédard, answered questions.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 27

Wednesday, October 17, 2001

ORDER OF THE DAY:

Study of Bill C-15B, An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act

WITNESSES:

Canada Mink Breeders Association:

Gary Hazlewood, Chair, Government Liaison Committee.

Canadian Federation of Agriculture:

Jack Wilkinson, Board Member.

Canadian Federation of Humane Societies:

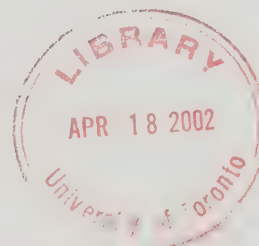
Craig Daniell, Director of Investigations, Ontario Society for the Prevention of Cruelty to Animals;

Bob Gardiner, Co-Chair, Status of Animals Committee.

Zoocheck Canada Inc.:

Brian McHattie, Coordinator, Marine Mammal;

Troy Seidle, Member, Board of Directors.





MINUTES OF PROCEEDINGS

Meeting No. 27

Wednesday, October 17, 2001

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Paul DeVillers, Ivan Grose, Peter MacKay, Denis Paradis, Andy Scott, Vic Toews.

Acting Members present: Brian Fitzpatrick for Myron Thompson, Howard Hilstrom for Chuck Cadman, Diane Bourgeois for Michel Bellehumeur.

Associate Member present: Tom Wappel.

In attendance: From the Library of Parliament: Gérald Lafrenière researcher.

Witnesses: From the Canada Mink Breeders Association: Gary Hazlewood, Chair, Government Liaison Committee; Karlene Hart, Executive Secretary. *From the Zoocheck Canada Inc.:* Brian McHattie, Marine Mammal Coordinator; Troy Seidle, Board Member. *From the Canadian Federation of Humane Societies:* Bob Gardiner, Co-Chair, CFHS Status of Animals Committee; Craig Daniell, Director of Investigations, Ontario Society for the Prevention of Cruelty to Animals. *From the Canadian Federation of Agriculture:* Jack Wilkinson, Board Member.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill C-15, An Act to amend the Criminal Code and to amend other Acts (*See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22*).

Gary Hazlewood, Brian McHattie, Troy Seidle, Bob Gardiner and Jack Wilkinson each made statements and, with Karlene Hart and Craig Daniell, answered questions.

At 5:32 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 28

Thursday, October 18, 2001

ORDER OF THE DAY:

Study of Proposals for a Miscellaneous Statute Law Amendment Act, 2001

WITNESSES:

Canadian Nuclear Safety Commission:

Bernie Shaffer, Senior Counsel;

Denys Vermette, Vice-President of Corporate Services;

John Waddington, Director General, Environmental and Human Performance Assessment
Directorate.

Department of Justice Canada:

Luc Labelle, Legislative Counsel, Legislation Section, Legislative Services Branch;

Ed Schmidt, Legislative Counsel, Legislative Services Branch.

Heritage Canada:

Eloïse Arbour, Lawyer, Legal Services;

Glen Mostowich, Senior Portfolio Analyst, Policy, Planning and Resourcing.





MINUTES OF PROCEEDINGS

Meeting No. 28

Thursday, October 18, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 9:40 a.m. this day, in Room 237-C, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Garry Breitkreuz for Chuck Cadman, Brian Fitzpatrick for Myron Thompson.

In attendance: From the Library of Parliament: Mollie Dunsmuir, researcher; Philip Rosen, senior analyst.

Witnesses: From the Department of Justice Canada: Luc Labelle, Legislative Counsel, Legislation Section, Legislative Services Branch; Ed Schmidt, Legislative Counsel, Legislation Section, Legislative Services Branch. *From the Canadian Nuclear Safety Commission:* Denys Vermette, Vice President, Corporate Services; John Waddington, Director General, Environmental and Human Performance Assessment; Bernie Shaffer, Senior Counsel, Legal Services. *From Heritage Canada:* Éloïse Arbour, Lawyer, « Service juridique »; Glen Mostowich, « analyste principal du portefeuille », « Bureau des affaires du portefeuille ».

Pursuant to Standing Orders 108(2), Consideration of Proposals for a Miscellaneous Statute Law Amendment Act, 2001.

Luc Labelle made a statement and along with Ed Schmidt, Glen Mostowich, Éloïse Arbour, Denys Vermette, John Waddington and Bernie Schaffer answered questions.

At 10:45 a.m., the sitting was suspended.

At 10:48 a.m., the sitting resumed.

At 11:02 a.m., the sitting was suspended.

At 11:08 a.m., the sitting resumed.

At 11:17 a.m., the sitting was suspended.

At 11:20 a.m., the sitting resumed.

At 11:26 a.m., the sitting was suspended.

At 11:30 a.m., the sitting resumed.

It was agreed - that the Chair report that the Committee has studied the Miscellaneous Statute Law Amendments Proposals, 2001, and that the Committee recommends that the following articles not be included: 5, 7, 8, 38, 59, 75, 76, 77, 105 and 106 given that articles 33 and 34 have already been withdrawn by the

Ordered: That the Chair report the proposals to the House, as amended, as the sixth report of the Committee.

At 11:30 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 29

Thursday, October 18, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

APPEARING:

Hon. Anne McLellan, Minister of Justice and Attorney General of Canada

Hon. Lawrence MacAulay, Solicitor General of Canada

WITNESSES:

Department of Justice Canada:

Richard G. Mosley, Assistant Deputy Minister, Criminal Law Policy Section.

Office of the Solicitor General of Canada:

Paul Kennedy, Senior Assistant Deputy Solicitor General, Policing and Security.



MINUTES OF PROCEEDINGS

Meeting No. 29

Thursday, October 18, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 3:35 p.m. this day, in Room 7-C, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Irwin Cotler, Paul deVilliers, Ivan Grose, Peter MacKay, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

Guesting Members present: Serge Marcil for John Maloney, Stockwell Day for Chuck Cadman, Brian Fitzpatrick for Byron Thompson.

Associate Member present: Monte Solberg.

Other Member present: John Bryden

Attendance: From Committees and Legislative Services: Richard Dupuis, Legislative Clerk. *From the Library of Parliament:* Philip Rosen, senior analyst.

Appearing: From the Department of Justice Canada: Anne McLellan, Minister of Justice and Attorney General of Canada. *From the Solicitor General Canada:* Lawrence MacAulay, Solicitor General of Canada.

Witnesses: From the Department of Justice Canada: Richard G. Mosley, ADM, Criminal Law Policy Section; Donald K. Piragoff, A/Senior General counsel, Criminal Law Policy Section. *From the Department of the Solicitor General of Canada:* Paul Kennedy, Senior Assistant Deputy Solicitor General, Policing and Security; Ian Blackie, Chief, Counter-Terrorism Policy.

The Order of Reference dated Thursday, October 18, 2001, being now read as follows:

ORDERED, -- That Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

Minister McLellan and Solicitor General MacAulay made statements and, with the others witnesses, answered questions.

At 5:45 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 30

Tuesday, October 23, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Canadian Security Intelligence Service:

Ward P. Elcock, Director.

Office of the Information Commissioner of Canada:

Daniel Brunet, General Counsel;

Alan Leadbeater, Deputy Commissioner;

John M. Reid, Information Commissioner of Canada.

Office of the Privacy Commissioner of Canada:

George Radwanski, Privacy Commissioner of Canada.

Royal Canadian Mounted Police:

Giuliano Zaccardelli, Commissioner.





MINUTES OF PROCEEDINGS

Meeting No. 30

Tuesday, October 23, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 9:34 a.m. this day, in Room 53-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews, Pierrette Venne.

Acting Members present: Jay Hill for John McKay, Brian Fitzpatrick for Myron Thompson, John Brydon for Carole-Marie Allard.

In attendance: From Committee and Legislative Services: Richard Dupuis, Legislative Clerk. *From the Library of Parliament:* Philip Rosen, senior analyst.

Witnesses: From the Royal Canadian Mounted Police: Guiliano Zaccardelli, Commissioner. *From the Canadian Security Intelligence Service:* Ward P. Elcock, Director. *From the Office of the Privacy Commissioner of Canada:* George Radwanski, Privacy Commissioner of Canada. *From the Office of the Information Commissioner of Canada:* John M. Reid, Information Commissioner of Canada; J. Alan Leadbeater, Deputy Information Commissioner of Canada; J.G.D. (Dan) Dupuis, Director General, Investigations and Reviews; Daniel Brunet, General Counsel.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

At 11:30 a.m., the sitting was suspended.

At 11:42 a.m., the sitting resumed.

At 12:32 p.m., the sitting was suspended.

At 12:35 p.m., the sitting resumed.

Guiliano Zaccardelli, Ward Elcock, George Radwanski and John Reid each made statements and, with J. Alan Leadbeater, Dan Dupuis and Daniel Brunet, answered questions.

At 1:27 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 31

Tuesday, October 23, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

APPEARING:

Hon. Art Eggleton, Minister of National Defence

WITNESSES:

Communications Security Establishment:

Keith Coulter, Chief.

National Defence and Canadian Forces:

Dominic McAlea, Colonel, Deputy Legal Advisor and General Counsel.





MINUTES OF PROCEEDINGS

Meeting No. 31

Tuesday, October 23, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 3:35 p.m. this day, in Room 53-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Irwin Cotler, Paul DeVillers, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews, Pierrette Venne.

Acting Members present: John Bryden for Carole-Marie Allard, Leon Benoit for Myron Thompson, Claude Bachand for Michel Bellehumeur.

Associate Member present: Elsie Wayne.

In attendance: From Committees and Legislative Services: Jean-François Pagé, Legislative Clerk. *From the Library of Parliament:* Philip Rosen, senior analyst.

Appearing: From the Department of National Defence: The Hon. Art Eggleton, Minister for National Defence.

Witness: From the Communications Security Establishment: Keith Coulter, Chief.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

The Minister of National Defence made a statement and, with the other witness, answered questions.

At 5:27 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 32

Wednesday, October 24, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESS:

As Individual:

Paul Wilkinson.





MINUTES OF PROCEEDINGS

Meeting No. 32

Wednesday, October 24, 2001

The Standing Committee on Justice and Human Rights met at 12:45 p.m. this day, in Room 701, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Bill Blaikie, Chuck Cadman, Irwin Cotler, Ivan Grose, Peter MacKay, John Maloney, John McKay, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Coombs, Pierrette Venne.

Acting Member present: Brian Fitzpatrick for Myron Thompson.

In attendance: From Committees and Legislative Services: Richard Dupuis, Committee Clerk. *From the Library of Parliament:* Philip Rosen, senior analyst.

Witness: As Individual: Prof. Paul Wilkinson, Professor of International Relations and Chairman of the University of St. Andrews Centre for the Study of Terrorism and Political Violence.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Professor Paul Wilkinson made a statement and answered questions.

At 1:45 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 33

Wednesday, October 24, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Canadian Civil Liberties Association:

A. Alan Borovoy, General Counsel.

Norman Paterson School of International Affairs:

Martin Rudner, Professor; Director, Centre for Security and Defence Studies.

University of Toronto:

Wesley Wark, Professor; International Relations Programme.

York University:

Patrick Monahan, Professor; Director, Centre for Public Law and Public Policy, Osgoode Hall Law School.





MINUTES OF PROCEEDINGS

Meeting No. 33

Wednesday, October 24, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 3:34 p.m. this day, in Room 53-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVilliers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Kevin Sorenson, Pierrette Venne.

Acting Members present: Brian Fitzpatrick for Myron Thompson.

In attendance: From Committees and Legislative Services: Jean-François Page, greffier legislative. *From the Library of Parliament:* Philip Rosen, senior analyst.

Witnesses: From the Norman Paterson School of International Affairs: Prof. Martin Rudner, Professor and Director, Centre for Security and Defence Studies. *From the Osgoode Hall:* Prof. Patrick Monahan, Professor. *From the University of Toronto:* Prof. Wesley Wark, Professor, International Relations Programme. *From the Canadian Civil Liberties Association:* A. Alan Borovoy, General Counsel.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Professor Martin Rudner, Professor Patrick Monahan, Professor Wesley Wark and A. Alan Borovoy each made a statement and answered questions.

At 5:36 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 34

Wednesday, October 24, 2001

ORDER OF THE DAY:

Study of Bill C-15, An Act to amend the Criminal Code and to amend other Acts

WITNESSES:

Canadian Cattlemen's Association:

Jim Caldwell, Director, Government Affairs.

Bob Dobson, Past-Chair, Environment and Animal Care Committee;

Fur Institute of Canada:

Douglas K. Pollock, Executive Vice-Chairman.

International Fund for Animal Welfare:

David Loan, Campaigns and Public Affairs Manager;

Richard Smith, National Director.

Poultry Welfare Coalition:

John Slot, Representative; Vice-Chair, Chicken Farmers of Canada;

Bill Uriski, Representative; Member, Board of Directors, Canadian Turkey Marketing Agency.





MINUTES OF PROCEEDINGS

Meeting No. 34

Wednesday, October 24, 2001

The Standing Committee on Justice and Human Rights met at 5:47 p.m. this day, in Room 112-N, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Myron Thompson, Vic Toews.

Acting Members present: Howard Hilstrom for Chuck Cadman, Robert Lanctôt for Michel Bellehumeur.

Associate Members present: Tom Wappel.

Other Member present: Brian Fitzpatrick.

In attendance: From Committees and Legislative Services: Richard Dupuis, Legislative Clerk. *From the Library of Parliament:* Gérald Lafrenière, researcher.

Witnesses: From the Canadian Cattlemen's Association: Jim Caldwell, Director, Government Affairs; Bob Dobson, Past Chair, Environment and /Animal Care Committee. *From the Fur Institute of Canada:* Douglas K. Pollock, Executive Vice-Chairman. *From the International Fund for Animal Welfare:* Richard J. Smith, National Director; David Loan, Campaigns and Public Affairs Manager. *From the Poultry Welfare Coalition:* John Slot, Vice-Chair, Chicken Farmers of Canada; Bill Uruski, Member of the Board of Directors, Canadian Turkey Marketing Agency.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill C-15, An Act to amend the Criminal Code and to amend other Acts (*See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22*). In attendance: From Committees and Legislative Services: Richard Dupuis, Legislative Clerk

Jim Caldwell, Douglas Pollock, Richard Smith, David Loan, John Slot and Bill Uruski each made statements and, with Bob Dobson, answered questions.

At 7:36 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 35

Thursday, October 25, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

APPEARING:

Hon. Martin Cauchon, Minister of National Revenue

Hon. Jim Peterson, Secretary of State (International Financial Institutions)

WITNESSES:

Canada Customs and Revenue Agency:

Ed Gauthier, Acting Assistant Commissioner, Policy and Legislation Branch;

Donna Walsh, Director, Special Compliance Initiative Division, Charities Directorate.

Department of Finance Canada:

Horst Intscher, Director, Financial Transactions and Reports Analysis Centre of Canada;

Richard Lalonde, Chief, Financial Crimes, Financial Sector Policy Branch;

Yvan Roy, Assistant Deputy Minister and Counsel.



Office of the Solicitor General of Canada:

Ian Blackie, Chief, Counter Terrorism Division;

Paul Kennedy, Senior Assistant Deputy Solicitor General.

Royal Canadian Mounted Police:

Dave Beer, Superintendent, Proceeds of Crime Branch.



MINUTES OF PROCEEDINGS

Meeting No. 35

Thursday, October 25, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 9:37 a.m. this day, in Room 237-C, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Myron Thompson, Vic Toews.

Acting Members present: Brian Fitzpatrick for Myron Thompson.

Associate Members present: Derek Lee.

In attendance: From Committees and Legislative Services: Richard Dupuis, Legislative Clerk. *From the Library of Parliament:* Philip Rosen, senior analyst.

Appearing: From the Department of Finance: Jim Peterson, Secretary of State (International Financial Institution). *From the Canada Customs and Revenue Agency :* The Hon. Martin Cauchon, Minister of National Revenue, Canada Customs and Revenue Agency.

Witnesses: From the Department of Finance Canada: Yvan Roy, Assistant Deputy Minister and Counsel to the Department of Finance; Richard Lalonde, Chief, Financial Crimes, Financial Sector Policy Branch; Robert Dubrule, Senior Tax Policy Officer, Tax Legislation Division, Tax Policy Branch; Brian Ernewein, Director, Tax Legislation Division, Tax Policy Branch; Charles Seeto, Director, Financial Sector Division, Financial Sector Policy Branch; Horst Intscher, Director, Financial transactions and Reports Analysis Centre of Canada; Yvon Carrière, Senior Counsel, Financial Transactions and Reports Analysis Centre of Canada. *From the Office of the Superintendent of Financial Institutions Canada:* Alain Prévost, General Counsel. *From the Royal Canadian Mounted Police:* Dave Beer, Superintendent, Proceeds of Crime Branch. *From the Department of the Solicitor General of Canada:* Paul Kennedy, Senior Assistant Deputy Solicitor General, Policing and Security; Ian Blackie, Chief, Counter-Terrorism Policy. *From the Canada Customs and Revenue Agency:* Ed Gauthier, Acting Assistant Commissioner, Policy and Legislation Branch; Donna Walsh, Director, Special Compliance Initiative Division, Charities Director, Policy and Legislation Branch.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

The Honourable Jim Peterson made a statement and with Yvan Roy, Richard Lalonde, Charles Seeto, Horst Intscher, answered questions.

At 11:31 a.m., the sitting was suspended.

At 11:37 a.m., the sitting resumed.

The Honourable Martin Cauchon made a statement and, with the other witnesses, answered questions.

At 12:52 p.m., the sitting was suspended.

At 1:00 p.m., the sitting resumed, *in camera*.

Ordered - That pursuant to the Order of the House of Wednesday, September 26, 2001, the Chair request by means of a report to the House, a two week extension to the deadline of November 30, 2001, for reporting Bill C-15B, *An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act*.

Agreed - that officials from the office of the Attorney Generals of the provinces of Ontario, Quebec and British Columbia be invited to speak to Bill C-36.

Agreed - that the proposed work plan for Bills C-36 and C-15B as well as the witness list for Bill C-36 be adopted with the agreement that these would be reviewed if the Committee receives the extension requested from the House of Commons for reporting of Bill C-15B.

At 1:30 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

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on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 36

Tuesday, October 30, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

British Columbia Civil Liberties Association:

Garth Barrière, Policy Director;

John Russell, Vice-President.

Canadian Human Rights Commission:

Michelle Falardeau-Ramsay, Chief Commissioner;

John Hucker, Secretary General;

Richard Tardif, General Counsel.

"Commission des droits de la personne et des droits de la jeunesse du Québec":

Pierre Bosset, Director of Research and Planning;

Roger Lefebvre, Vice-President.



"Ligue des droits et libertés":

Denis Barrette, Counsel;

André Paradis, Director General.



MINUTES OF PROCEEDINGS

Meeting No. 36

Tuesday, October 30, 2001

The Standing Committee on Justice and Human Rights met at 9:36 a.m. this day, in Room 701, La Promenade Building, the Chair, Andy Scott, presiding.

Member(s) of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, Paul DeVillers, Brian Fitzpatrick, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson.

Associate Member present : Derek Lee.

In attendance : From the Library of Parliament : Philip Rosen, senior analyst.

Witnesses: From the " Ligue des droits et libertés ": André Paradis, Director General; Denis Barrette, Legal Counsel. *From the British Columbia Civil Liberties Association:* Garth Barrière, Policy Director; John Russell, Vice-President. *From the "Commission des droits de la personne et des droits de la jeunesse":* Roger Lefebvre, Vice-President; Pierre Bosset, Director of Research and Planning. *From the Canadian Human Rights Commission:* Michelle Falardeau-Ramsay, Chief Commissioner; Richard Tardif, General Counsel; John Hucker, Secretary General.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

André Paradis, John Russell, Roger Lefebvre each made a statement and, with the other witnesses, answered questions.

At 11:30 a.m., the sitting was suspended.

At 11:37 a.m., the sitting resumed.

The Chief Commissioner made a statement and, with John Hucher and Richard Tardif, answered questions.

At 12:48 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 37

Tuesday, October 30, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

B'nai Brith Canada:

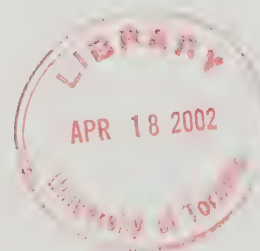
David Matas, Lead Counsel.

McGill University:

Julius H. Grey, Professor, Law.

As Individual:

Ken Rubin.





MINUTES OF PROCEEDINGS

Meeting No. 37

Tuesday, October 30, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 3:35 p.m. this day, in Room 237-C, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Paul DeVillers, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Member present: Derek Lee for Ivan Grose.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From B'nai Brith Canada: David Matas, Lead Counsel. *As Individual:* Ken Rubin, Public Interest Researcher and Access to Information Expert. *From the McGill University:* Prof. Julius Grey, Law Professor.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

The witnesses each made a statement and answered questions.

At 5:21 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 38

Wednesday, October 31, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

"Barreau du Québec":

Francis Gervais, President;

Gilles Ouimet, Member of the Criminal Law Committee.

Canadian Bar Association:

Greg P. DelBigio, Member, Legislation and Law Reform Committee and National Criminal Justice Section;

Simon V. Potter, First Vice-President.

Canadian Council of Criminal Defence Lawyers:

William M. Trudell, Chair.

Criminal Lawyers' Association:

Michael Lomer, Treasurer.



University of Ottawa:

Joe Elliot Magnet, Law Professor.



MINUTES OF PROCEEDINGS

Meeting No. 38

Wednesday, October 31, 2001

The Standing Committee on Justice and Human Rights met at 3:36 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Paul DeVillers, Brian Fitzpatrick, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews, Pierrette Venne.

Acting Members present: Aileen Carroll for Ivan Grose.

Other Members present: Gérard Binet.

Associate Members present: Derek Lee.

In attendance: From Committees and Legislative Services: Richard Dupuis, Legislative Clerk. *From the Library of Parliament:* Philip Rosen, senior analyst.

Witnesses: From the "Barreau du Québec": Francis Gervais, President of the bar; Gilles Ouimet, member of the Criminal Law Committee. *From the Canadian Bar Association:* Simon V. Potter, First Vice-President; Greg P. DelBigio, Member, Legislation and Law Reform Committee and National Criminal Justice Section. *From the Criminal Lawyers' Association:* Michael Lomer, Treasurer. *From the Canadian Council of Criminal Defence Lawyers:* William M. Trudell, Chair. *As Individual:* Prof. Joe Elliot Magnet, Law Professor, University of Ottawa.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Agreed – That the brief of the Information Commissioner of Tuesday, October 23, 2001 be taken as read in full.

Agreed – That the Committee amend its order of October 25th, 2001 to request an extension for reporting Bill C-15B to Thursday, December 6, 2001.

Francis Gervais, Gilles Ouimet, Michael Lomer, William Trudell, Professor Magnet and Simon Potter each made a statement and, with the other witness, answered questions.

At 5:45 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 39

Wednesday, October 31, 2001

ORDER OF THE DAY:

Study of Bill C-15B, An Act to amend the Criminal Code (Cruelty to animals and Firearms) and the Firearms Act

WITNESSES:

Animal Alliance of Canada:

Anna Louise Richardson, Associate;

Liz White, Director.

Association of Universities and Colleges of Canada:

Robert Giroux, President;

Andrew R. Tasker, Associate Dean, Graduate Studies and Research Professor, Department of Anatomy and Physiology, Atlantic Veterinary College, University of Prince Edward Island.

Canadian Veterinary Medical Association:

Michael Barr, President;

Alice Crook, Chair, Animal Welfare Committee.



"Chiens de chasse Québec":

Richard Couture, President;

Gaston Lemay, Director of research and information.



MINUTES OF PROCEEDINGS

Meeting No. 39

Wednesday, October 31, 2001

The Standing Committee on Justice and Human Rights met at 7:34 p.m. this day, in Room 371, West Block, the Vice-Chair, Denis Paradis, presiding.

Members of the Committee present: Bill Blaikie, Brian Fitzpatrick, Peter MacKay, John Maloney, Lynn Myers, Stephen Owen, Denis Paradis, Kevin Sorenson, Vic Toews.

Acting Members present: Robert Lanctôt for Michel Bellehumeur, Howard Hilstrom for Chuck Cadman.

Associate Members present: Derek Lee, Tom Wappel.

Other Member present: Gérard Binet.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Canadian Veterinary Medical Association: Dr. Michael Baar, President; Dr. Alice Crook, Chair, Animal Welfare Committee. *From the Animal Alliance of Canada:* Liz White, Director; Anna Louise Richardson, Associate. *From the Association of Universities and Colleges of Canada:* Robert J. Giroux, President and Chief Executive Officer; Dr. Andrew R. Tasker, Associate Dean, Graduate Studies and Research Professor, Department of Anatomy and Physiology, Atlantic Veterinary College, University of Prince Edward Island. *From the « Chiens de chasse Québec »:* Richard Couture, President; Gaston Lemay, Director of Information and Research.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill C-15, An Act to amend the Criminal Code and to amend other Acts (*See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22*).

Dr. Alice Crook, Liz White, Anna Louise Richardson, Robert J. Giroux, Richard Couture and Gaston Lemay each made statements and, with Dr. Michael Baar and Dr. Andrew Tasker, answered questions.

At 9:32 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 40

Thursday, November 1, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Canadian Association of Chiefs of Police:

Gwen Boniface, Commissioner; President;

Michel Sarrazin, Vice-President; Chief, Montreal Urban Community Police Service;

Vincent Westwick, Co-Chair, Law Amendments Committee.

Canadian Police Association:

David Griffin, Executive Officer;

Mike Niebudek, Vice-President;

Grant Obst, Constable; President.

National Association of Professional Police:

Brian Adkins, Detective Staff Sergeant; President.



As Individual:

Leo Knight.



FBI/DOJ

MINUTES OF PROCEEDINGS

Meeting No. 40

Thursday, November 1st, 2001

The Standing Committee on Justice and Human Rights met at 9:34 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Paul DeVillers, Brian Fitzpatrick, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews, Pierrette Venne.

Associate Member present: Derek Lee.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Canadian Association of Chiefs of Police: Vincent Westwick, Co-Chair, Law Amendments Committee; Gwen Boniface, President; Michel Sarazin, Chief, Montreal Urban Community Policy Service and Vice-President of the Canadian Association of Chiefs of Police. *From the Canadian Police Association:* Mike Niebudek, Vice-President; Grant Obst, President; David Griffin, Executive Officer. *From the National Association of Professional Police:* Brian Adkins, President. *As Individual:* Leo Knight.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Gwen Boniface, Michel Sarazin, Mike Niebudek, Grant Obst, Brian Adkins and Leo Knight each made statements and, with Vincent Westwick and David Griffin, answered questions.

At 9:44 a.m., the Vice-Chair Chuck Cadman assumed the Chair.

At 10:32 a.m., the Chair Andy Scott assumed the Chair.

Pursuant to the Committee's decision of Tuesday, October 16 2001 in regards to the creation of the Sub-Committee on National Security, John McKay moved, - That the Sub-Committee on National Security be composed of the following membership: Bill Blaikie, Marlene Jennings Derek Lee as Chair, Lynn Myers, Peter Mackay, David Pratt, Kevin Sorenson, Vic Toews, Pierrette Venne, Bryon Wilfert and one Member to be named at a future date.

The question was put on the motion and it was agreed to by unanimous consent.

At 12:13 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 41

Thursday, November 1st, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Assembly of First Nations:

Joanna Birenbaum, Legal Advisor;

Matthew Coon Come, Grand Chief, National Chief;

Richard Powless, Senior Policy Advisor.

As Individual:

James R. Aldridge.





MINUTES OF PROCEEDINGS

Meeting No. 41

Thursday, November 1st, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 3:40 p.m. this day, in Room 237-C, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Bill Blaikie, Chuck Cadman, Paul DeVillers, Brian Fitzpatrick, John Maloney, Stephen Owen, Andy Scott, Kevin Sorenson and Pierrette Venne.

Acting Members present: Gerald Keddy for Peter MacKay and Maurice Vellacott for Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Assembly of First Nations: Matthew Coon Come, National Chief; Richard Pawless, Special Adviser to the Chief; Joanna Birenbaum, Legal Advisor. *As Individual:* James R. Aldridge, QC, Lawyer, Rosenbloom & Aldridge.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

The National Chief made a statement and with Joanna Birenbaum and Richard Powless answered questions.

At 4:45 p.m., the sitting was suspended.

At 4:47 p.m., the sitting resumed.

James R. Aldridge made a statement and answered questions.

At 5:44 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 42

Monday, November 5, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Canadian Centre for Philanthropy:

Patrick Johnston, President and Chief Executive Officer.

Canadian Council for Refugees:

Sharryn Aiken, Former President.

Human Concern International:

Mumtaz Akhtar, Chairperson.

Mennonite Central Committee Canada:

William Janzen, Director, Ottawa Office.





MINUTES OF PROCEEDINGS

Meeting No. 42

Monday, November 5, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 8:03 p.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson and Vic Toews.

Associate Member present: Derek Lee.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Canadian Council for Refugees: Sharryn Aiken, Former President. *From the Human Concern International:* Mumtaz Akhtar, Chairperson. *From the Mennonite Central Committee Canada:* William Janzen, Director of the Ottawa Office. *From the Canadian Centre for Philanthropy:* Patrick Johnson, President and CEO.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Sharryn Aiken, Mumtaz Akhtar, William Janzen and Patrick Johnson each made a statement and answered questions.

At 9:52 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 43

Tuesday, November 6, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Canadian Arab Federation:

John Asfour, President;

Amina Sherazee, Legal Counsel.

Canadian Council of Churches:

Jennifer Leddy, Canadian Conference of Catholic Bishops;

Peter Noteboom, Associate Secretary for Justice and Peace.

Canadian Islamic Congress:

Mohamed Elmasry, Professor and National President;

Rocco Galati, Legal Counsel.

Canadian Jewish Congress:

Ed Morgan, Professor and Chair, Ontario Region;



Manuel Prutschi, National Director, Community Relations.

Muslim Council of Montreal:

Salam Elmenyawawi, Spokesperson.

World Sikh Organization:

Anne Lowthian, Executive Director;

Palbinder Schergill, Legal Counsel.



MINUTES OF PROCEEDINGS

Meeting No. 43

Tuesday, November 6, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 9:35 a.m. this day, in Room 237-C, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews and Pierrette Venne.

Acting Member present: Mac Harb for Carole-Marie Allard.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Canadian Jewish Congress: Prof. Ed Morgan, Chair, Ontario Region; Eric Vernon, Director of Government Relations; Manuel Prutschi, National Director, Community Relations. *From the Canadian Islamic Congress:* Prof. Mohamed Elmasry, National President; Me Rocco Galati, Constitutional Lawyer, CIC Legal Counsel; Adam Amen, Executive Director, National Capital Region. *From the Canadian Council of Churches (The):* Peter Noteboom, Associate Secretary for Justice and Peace; Jennifer Leddy, Canadian Conference of Catholic Bishops. *From the Canadian Arab Federation:* John Asfour, President; Amina Sherazee, Lawyer. *From the Muslim Council of Montreal:* Salam Elmenyawawi. *From the World Sikh Organization:* Anne Lowthian, Executive Director; Palbinder Chergill, Legal Counsel.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Ed Morgan, Mohamed Elmasry, Rocco Galati, Peter Noteboom, Jennifer Leddy, John Asfour, Amina Sherazee, Salam Elmenyawawi, Anne Lowthian and Palbinder Chergill each made statements and, with Eric Vernon and Manuel Prutschi, answered questions.

At 11:38 a.m., the sitting was suspended.

At 11:45 a.m., the sitting resumed.

At 1:15 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 44

Tuesday, November 6, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Amnesty International (Canada):

Michael Bossin, President, English Section;

Hilary Homes, Coordinator, Youth and Student Program, English Section;

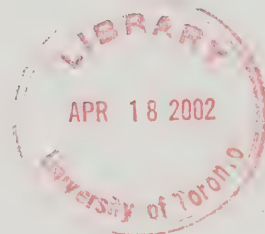
Alex Neve, Secretary General, English Section.

As Individuals:

Jamie Cameron;

Errol Mendes;

Bryan Schwartz.





MINUTES OF PROCEEDINGS

Meeting No. 44

Tuesday, November 6, 2001

The Standing Committee on Justice and Human Rights met at 3:37 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Chuck Cadman, Irwin Cotler, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews and Pierrette Venne.

Associate Member present: Derek Lee.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst; Richard Dupuis, Legislative Clerk.

Witnesses: From Amnesty International (Canada): Alex Neve, Secretary General, English Section; Michael Bossin, President, English speaking branch; Hilary Homes, Youth and Student Program Coordinator, English speaking branch. *As Individual:* Prof. Errol Mendes, Director, Human Rights and Education Centre, Ottawa University; Prof. Jamie Cameron, Law Professor, Osgood Hall, York University; Prof. Bryan Schwartz, Law Professor, University of Manitoba.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Prof. Jamie Cameron, Prof. Errol Mendes, Alex Neve, Michael Bossin, Hilary Homes and Prof. Bryan Schwartz, each made a statement and answered questions.

At 5:35 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 45

Tuesday, November 6, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESS:

Centre for Research-Action on Race Relations:

Fo Niemi, Executive Director.





MINUTES OF PROCEEDINGS

Meeting No. 45

Tuesday, November 6, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 7:45 p.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, John Maloney, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Member present: Jay Hill for Peter MacKay.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witness: From the Centre for Research-Action on Race Relations: Fo Niemi, Executive Director.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Fo Niemi made a statement and answered questions.

At 8:37 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 46

Wednesday, November 7, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Canadian Labour Congress:

Hassan Yussuff, Executive Vice-President.

Canadian Union of Public Employees:

Jane Stinson, Research Director.

"Centrale des syndicats du Québec":

Nicole De Sève, Adviser.

"Confédération des syndicats nationaux":

Claudette Carbonneau, Vice-President.

"Fédération des travailleurs et travailleuses du Québec":

René Roy, Secretary General.

Public Service Alliance of Canada:

Nycole Turmel, National President.





MINUTES OF PROCEEDINGS

Meeting No. 46

Wednesday, November 7, 2001

The Standing Committee on Justice and Human Rights met at 3:34 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Brian Fitzpatrick, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Vic Toews.

Acting Member present: Yvon Charbonneau for Carole-Marie Allard.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Canadian Labour Congress: Hassan Yussuff, Executive Vice-President. *From the Canadian Union of Public Employees:* Jane Stinson, Research Director. *From the "Centrale des syndicats du Québec":* Nicole de Sève, « Conseillère ». *From the CSN:* Claudette Carbonneau, Vice-President; François Lamoureux, Legal Advisor. *From the "Fédération des travailleurs et travailleuses du Québec (FTQ)":* René Roy, General Secretary. *From the Public Service Alliance of Canada:* Nycole Turmel, National President.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Nicole de Sève, Jane Stinson, Hassan Yussuff, Nycole Turmel, René Roy and Claudette Carbonneau each made statements and answered questions.

At 5:30 p.m., the sitting was suspended.

At 5:34 p.m., the sitting resumed *in camera*.

Agreed - That the Committee adopt an Operations Budget in the amount of \$164,700 and that the Chair be instructed to request these funds from the Liaison Committee.

Agreed - That the Minister be invited to appear before the Committee on Bill C-36 on Tuesday, November 20 at 12 noon and that the Committee proceed to clause-by clause at 3:30 p.m. until completion.

Agreed - That the Standing Committee on Justice and Human Rights, in its consideration of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code adduce the evidence heard by the Standing Committee on Justice and Human Rights during the 36th Parliament in its consideration of Bill C-244, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code.

Agreed - That the Justice Minister and/or officials will be invited to appear to speak to Bill C-15B *An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act* on October 27, 2001.

Agreed - That the Committee will consider the Supplementary Estimates before December 10, 2001.

Agreed - That members will submit to the clerk names for a list of proposed witnesses for the statutory review of the mental disorder provisions of the Criminal Code.

At 5:47 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 47

Wednesday, November 7, 2001

ORDER OF THE DAY:

Study of Bill C-15, An Act to amend the Criminal Code and to amend other Acts

WITNESSES:

Canadian Association of Chiefs of Police:

Bruce Brown, Members Law;

Gord Schumacher, Amendments Committee.

Canadian Police Association:

David Griffin, Executive Officer.

Criminal Lawyers' Association:

Heather Perkins-McVey, Representative.





MINUTES OF PROCEEDINGS

Meeting No. 47

Wednesday, November 7, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 7:37 p.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Irwin Cotler, Ivan Grose, Peter MacKay, Lynn Myers, Stephen Owen, Andy Scott and Vic Toews.

Acting Members present: Tom Wappell for John McKay, Robert Lanctôt for Michel Bellehumeur and Garry Breitkreuz for Chuck Cadman.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Canadian Police Association: David Griffin, Executive Officer. *From the Criminal Lawyers' Association:* Heather Perkins-McVey, Representative. *From the Canadian Association of Chiefs of Police:* Bruce Brown, Members Law; Gord Schumacher, Amendments Committee.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill C-15, An Act to amend the Criminal Code and to amend other Acts (*See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22*).

David Griffin, Heather Perkins-McVey, Bruce Brown and Gord Schumacher each made statements and, with Eric Vernon answered questions.

At 9:26 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 48

Thursday, November 8, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

WITNESSES:

Canadian Association of Labour Lawyers:

Steve Barrette, Member, Barrister and Solicitor, Sask Goldblatt Mitchell.

Coalition of Muslim Organizations:

Khalid Baksh, Muslim Lawyers Association;

Ziyaad Mia, Muslim Lawyers Association.

Evangelical Fellowship of Canada:

Bruce Clemenger, Director, Centre for Faith and Public Life;

Janet Epp Buckingham, General Legal Counsel.

Muslim Congress of Canada:

Aziz Khaki, Vice-President.



National Organization of Immigrant and Visible Minority Women of Canada:

Anu Bose, Executive Director.

Rights and Democracy:

Warren Allmand, President.

As Individuals:

Stuart Farson;

Reg Whitaker.



MINUTES OF PROCEEDINGS

Meeting No. 48

Thursday, November 8, 2001

The Standing Committee on Justice and Human Rights met at 9:34 a.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Brian Fitzpatrick, Ivan Grose, Peter MacKay, John Maloney, John McKay, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

Associate Member present: Derek Lee.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Rights and Democracy: The Honourable Warren Allmand, President. *As Individual:* Prof. Reg Whitaker, Department of Political Science, University of Victoria and Distinguished Research Professor (Emeritus), York University; Prof. Stuart Farson, Department of Political Science and Research Associate, Institute for Governance Studies, Simon Fraser University. *From the Evangelical Fellowship of Canada (The):* Bruce Clemenger, Director, Centre for Faith and Public Life; Dr. Janet Epp Buckingham, General Legal Counsel. *From the Canadian Association of Labour Lawyers:* Steven Barrett, Member, Barrister and Solicitor, Sask Goldblatt Mitchell; Ethan Poskanzer, Member, Barrister and Solicitor, Sask Goldblatt Mitchell; Michael Gotthiel, Vice President, Barrister and Solicitor, Caorline Englemann Gottheil. *From the Muslim Congress of Canada:* Aziz Khaki, Vice-President. *From the Coalition of Muslim Organizations:* Ziyaad Mia, Muslim Lawyers Association; Khalid Baksh, Muslim Lawyers Association. *From the National Organization of Immigrant and Visible Minority Women of Canada:* Dr. Anu Bose, Executive Director.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

The Hon. Warren Allmand, Prof. Reg Whitaker, Prof. Stuart Farson, Bruce Clemenger and Dr. Janet Epp, each made statements and answered questions.

At 10:55 a.m., the sitting was suspended.

At 11:25 a.m., the sitting resumed.

At 11:45 a.m., the sitting was suspended.

At 11:48 a.m., the sitting resumed.

Aziz Khaki, Steve Barrett, Ziyaad Mia and Anyu Bose each made statements and, with Khalid Baksh, answered questions.

At 12:37 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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Meeting No. 49

Tuesday, November 20, 2001

ORDER OF THE DAY:

Study of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

APPEARING:

Hon. Anne McLellan, Minister of Justice and Attorney General of Canada

WITNESS:

Department of Justice Canada:

Richard G. Mosley, Assistant Deputy Minister, Criminal Law Policy Section.





MINUTES OF PROCEEDINGS

Meeting No. 49

Tuesday, November 20, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 12:15 p.m. this day, in Room 237-C, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Brian Fitzpatrick, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Andy Scott, Vic Toews, Pierrette Venne.

Associate Members present: Svend Robinson.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Appearing: From the Department of Justice Canada: Anne McLellan, Minister of Justice and Attorney General of Canada.

Witnesses: From the Department of Justice Canada: Donald K. Piragoff, A/Senior General counsel, Criminal Law Policy Section; Richard G. Mosley, ADM, Criminal Law Policy Section.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

Minister McLellan made a statement and, with Donald K. Piragoff and Richard G. Mosley, answered questions.

On motion of John Maloney, - It was agreed that the material provided to the clerk of the Committee by the office of the Minister be tabled with the Committee.

At 1:47 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 50

Tuesday, November 20, 2001

ORDERS OF THE DAY:

Clause by clause consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

Reprinting of Bill C-36, as amended, for the use of the House of Commons at report stage

Report by the Chair of Bill C-36, with amendments, to the House of Commons as the Eight Report

WITNESSES:

Department of Finance Canada:

Richard Lalonde, Chief, Financial Crimes Section.

Department of Justice Canada:

William Bartlett, Counsel, Policy and Programs Directorate;

Richard G. Mosley, Assistant Deputy Minister, Criminal Law Policy Section;

Donald K. Piragoff, Acting Senior General Counsel, Criminal Law Policy Section.

Department of National Defence:

David Akman, Counsel, Communications Security Establishment.



Office of the Solicitor General Canada:

Caroline Fobes, Legal Counsel;

Paul E. Kennedy, Senior Assistant Deputy Solicitor General.



MINUTES OF PROCEEDINGS

Meeting No. 50

Tuesday, November 20, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 4:20 p.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVilliers, Brian Fitzpatrick, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews, Pierrette Venne.

Acting Members present: Steven Mahoney for Irwin Cotler, Robert Lanctôt for Pierrette Venne; Derek Lee for Irwin Cotler; Jacques Saada for Carole-Marie Allard; Roy Bailer for Brian Fitzpatrick; Bill Matthews for Paul DeVilliers; Steve Mahoney for Carole-Marie Allard.

In attendance: From Committees and Legislative Services: Richard Depuis, Jean-François Pagé: Legislative Clerks. *From the Library of Parliament:* Philip Rosen, senior analyst.

Witnesses: From the Department of Justice Canada: Donald K. Piragoff, A/Senior General counsel, Criminal Law Policy Section; Richard G. Mosley, ADM, Criminal Law Policy Section. *From the Department of the Solicitor General of Canada:* Paul Kennedy, Senior Assistant Deputy Solicitor General, Policing and Security. *From the Department of Finance Canada:* Richard Lalonde, Chief, Financial Crimes, Financial Sector Policy Branch. *From the Canada Customs and Revenue Agency:* Maureen Kidd, Director General, Charities Directorate, Policy and Legislation Branch. *From the Solicitor General Canada:* Caroline Fobes, Counsel, Legal Services.

Pursuant to its Order of Reference of Thursday, October 18, 2001, the Committee resumed consideration of Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism (*See Minutes of Proceedings, Thursday, October 18, 2001, Meeting No. 29*).

At 4:25 p.m., the sitting was suspended.

At 5:05 p.m., the sitting resumed.

The Committee proceeded to Clause-by-Clause consideration of the Bill.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

On Clause 2,

Stephen Owen moved, -- That Bill C-36, in Clause 2, be amended:

a) by replacing, in the French version, lines 17 to 20 on page 2 with the following:

l'égard des poursuites ou procédures visées par la présente loi, le procureur général ou le solliciteur général de la

province où ces poursuites sont intentées ou ces procédures engagées ou leur substitut

b) by replacing, in the French version, lines 38 to 42 on page 3 with the following:

f) à l'égard des procédures visées aux articles 83.13 ou 83.14, le procureur général du Canada ou le procureur général ou le solliciteur général de la province où ces procédures sont engagées ou le substitut

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 2, be amended by replacing line 1 on page 3 with the following:

under section 57, 58, 83.12, 424.1 or

The question being put on the amendment, it was adopted.

Stephen Owen moved, -- That Bill C-36, in Clause 2, be amended by replacing lines 13 to 20 on page 3 with the following:

to

(i) an offence referred to in subsection 7(3.71), or

(ii) an offence referred to in paragraph (a) of the definition "terrorist activity" in subsection 83.01(1), where the act or omission was committed outside Canada but is deemed by virtue of subsection 7(2), (2.1), (2.2), (3), (3.1), (3.4), (3.6), (3.72) or (3.73) to have been committed in Canada,

means either the Attorney

The question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 2, be amended by replacing line 43 on page 3 with the following:

section 83.13, 83.14, 83.28, 82.29 or 83.3, means either the

The question being put on the amendment, it was adopted on division.

Peter MacKay moved, -- That Bill C-36, in Clause 2, be amended by replacing lines 34 to 44 on page 5 and lines 1 to 5 on page 6 with the following:

““terrorism” means the use or threat of action where the use or threat:

(a) either

(i) involves serious violence against a person,

(ii) involves serious damage to property,

(iii) endangers a person's life, other than that of the person committing the action,

(iv) creates a serious risk to the health or safety of the public or a section of the public, or

(v) is designed to seriously interfere with or to seriously disrupt an electronic system;

(b) is designed to influence the government or to intimidate the public or a section of the public, and

(c) is made for the purpose of advancing a political, religious or ideological cause.

In this definition, "action" includes an action or omission inside or outside Canada; a reference to any person or to property is a reference to any person, or to property, wherever situated; and a reference to the public includes a reference to the public of a country other than Canada.

In this Act, a reference to action taken for the purposes of terrorism includes a reference to action or omissions taken for the benefit of a terrorist group."

Vic Toews moved – That the motion be amended by deleting paragraph (c)

After debate, the question being put on the sub-amendment, it was negatived on the following recorded division

Yeas	Nays
Chuck Cadman	Carole-Marie Allard
Brian Fitzpatrick	Irwin Cotler
Kevin Sorenson	Paul Devillers
Vic Toews	Ivan Grose
Michel Bellehumeur	John Maloney
Robert Lanctôt	John McKay
Bill Blaikie	Lynn Myers
Peter MacKay	Stephen Owen
	Denis Paradis
(8)	(9)

After debate, the question being put on the main amendment, it was negatived .

Clause 2, as amended, carried on division.

Clause 3 carried.

On Clause 4,

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the English version, lines 10 and 11 on page 12 with the following:

(a) an act or omission that is committed in or outside Canada and that, if

After debate, the question being put on the amendment, it was adopted by a show of hands.

Vic Toews moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 37 to 41 on page 13 with the following:

“(i) that is committed in whole or in part with the”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 42 on page 13 with the following:

“intention of terrorizing the public,”

After debate, the question being put on the amendment, it was negatived.

Peter MacKay moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 38 to 40 on page 13 with the following:

“(A) in whole or in part, on the basis of a consideration of a political, religious, philosophical, ideological, racial, ethnic or other similar nature, and“

After debate, the question being put on the amendment, it was negatived.

Bill Blaikie moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 42 to 45 on page 13 with the following:

“intention of causing extreme fear and intimidation in the public, with regard to its security or, by means of such extreme fear and intimidation, compelling a”

After debate, the question being put on the amendment, it was negatived.

Bill Blaikie moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 44 and 45 on page 13 with the following:

“regard to its security, or compelling a”

After debate, the question being put on the amendment, it was negatived.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 44 and 45 on page 13 with the following:

“regard to its security, or compelling a”

After debate, the question being put on the amendment, it was negatived.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 45 on page 13 with the following:

“economic security, or compelling, by the use of terror, a”

After debate, the question being put on the amendment, it was negatived.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended:

(a) by replacing, in the French version, lines 1 to 48 on page 12 and lines 1 to 32 on page 13 with the following:

a) Soit un acte - action ou omission, commise au Canada ou à l'étranger - qui, au Canada, constitue une des

infractions suivantes :

- (i) les infractions visées au paragraphe 7(2) et mettant en oeuvre la Convention pour la répression de la capture illicite d'aéronefs, signée à La Haye le 16 décembre 1970,
- (ii) les infractions visées au paragraphe 7(2) et mettant en oeuvre la Convention pour la répression d'actes illicites dirigés contre la sécurité de l'aviation civile, signée à Montréal le 23 septembre 1971,
- (iii) les infractions visées au paragraphe 7(3) et mettant en oeuvre la Convention sur la prévention et la répression des infractions contre les personnes jouissant d'une protection internationale, y compris les agents diplomatiques, adoptée par l'Assemblée générale des Nations Unies le 14 décembre 1973,
- (iv) les infractions visées au paragraphe 7(3.1) et mettant en oeuvre la Convention internationale contre la prise d'otages, adoptée par l'Assemblée générale des Nations Unies le 17 décembre 1979,
- (v) les infractions visées aux paragraphes 7(3.4) ou (3.6) et mettant en oeuvre la Convention sur la protection physique des matières nucléaires, conclue à New York et Vienne le 3 mars 1980,
- (vi) les infractions visées au paragraphe 7(2) et mettant en oeuvre le Protocole pour la répression des actes illicites de violence dans les aéroports servant à l'aviation civile internationale, complémentaire à la Convention pour la répression d'actes illicites dirigés contre la sécurité de l'aviation civile, signé à Montréal le 24 février 1988,
- (vii) les infractions visées au paragraphe 7(2.1) et mettant en oeuvre la Convention pour la répression d'actes illicites contre la sécurité de la navigation maritime, conclue à Rome le 10 mars 1988,
- (viii) les infractions visées aux paragraphes 7(2.1) ou (2.2) et mettant en oeuvre le Protocole pour la répression d'actes illicites contre la sécurité des plates-formes fixes situées sur le plateau continental, conclu à Rome le 10 mars 1988,
- (ix) les infractions visées au paragraphe 7(3.72) et mettant en oeuvre la Convention internationale pour la répression des attentats terroristes à l'explosif, adoptée par l'Assemblée générale des Nations Unies le 15 décembre 1997,
- (x) les infractions visées au paragraphe 7(3.73) et mettant en oeuvre la Convention internationale pour la répression du financement du terrorisme, adoptée par l'Assemblée générale des Nations Unies le 9 décembre 1999;

b) soit un acte - action ou omission, commise au Canada ou à l'étranger :

(i) d'une part, commis à la fois :

(A) au nom - exclusivement ou non - d'un but, d'un objectif ou d'une cause de nature politique, religieuse ou idéologique,

(B) en vue - exclusivement ou non - d'intimider tout ou partie

(b) by replacing, in the French version, lines 1 to 37 on page 14 with the following:

Sont visés par la présente définition, relativement à un tel acte, le complot, la tentative, la menace, la complicité après le fait et l'encouragement à la perpétration; il est entendu que sont exclus de la présente définition l'acte - action ou omission - commis au cours d'un conflit armé et conforme, au moment et au lieu de la perpétration, au droit international coutumier ou au droit international conventionnel applicable au conflit ainsi que les activités menées par les forces armées d'un État dans l'exercice de leurs fonctions officielles, dans la mesure où ces activités sont régies par d'autres règles de droit international.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 2 to 28 on page 14 with the following:

whether the public or the person, government or organization is inside or outside Canada, and

(ii) that intentionally

(A) causes death or serious bodily harm to a person by the use of violence,

(B) endangers a person's life,

(C) causes a serious risk to the health or safety of the public or any segment of the public,

(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),

After debate, the question being put on the amendment, it was adopted by a show of hands.

Bill Blaikie moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 22 to 28 on page 14 with the following:

"whether public or private, that involves an activity that is intended to result in the conduct or harm referred to in any of clauses (A) to (C), but does not involve an act of peaceful civil disobedience, advocacy, protest, dissent or stoppage of work,"

After debate, the question being put on the amendment, it was negatived.

Bill Blaikie moved, -- That Bill C-36, in Clause 4, be amended by replacing line 35 on page 14 with the following:

"an armed conflict or during the course of resistance to a totalitarian or non-democratic regime, as long as such acts are not directed at persons who are not directly involved in the conflict, and that, at the time and"

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended

(a) by replacing, in the French version, line 2 on page 15 with the following:

a) Soit une entité dont l'un des objets ou l'une des

(b) by replacing, in the French version, line 5 on page 15 with the following:

b) soit une entité inscrite.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by adding after line 5 on page 15 the following:

For greater certainty

(1.1) For greater certainty, the expression of a political, religious or ideological thought, belief or opinion does not come within paragraph (b) of the definition "terrorist activity" in subsection (1) unless it constitutes an act or omission that satisfies the criteria of that paragraph.

After debate, the question being put on the amendment it was carried on division.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 6 on page 15 with the following:

“(2) For the purposes of this Part, a particular terrorist”

After debate, the question being put on the amendment, it was negatived.

Peter MacKay moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 7 to 14 on page 15 with the following:

"activity is facilitated

(a) when the facilitator knows that a particular terrorist activity is facilitated;

(b) whether or not any particular terrorist activity was foreseen or planned at the time it was facilitated; or

(c) whether or not any terrorist activity was actually carried out."

After debate, the question being put on the amendment, it was negatived.

Bill Blaikie moved, -- That Bill C-36, in Clause 4, be amended by deleting lines 8 and 9 on page 15.

By unanimous consent, the motion was withdrawn.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by deleting lines 8 and 9 on page 15.

By unanimous consent, the motion was withdrawn.

Peter MacKay moved, -- That Bill C-36, in Clause 4, be amended by replacing line 16 on page 15 with the following:

“wilfully or knowingly and without lawful justification or“

After debate, the question being put on the amendment, it was negatived.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by

(a) replacing lines 6 to 14 on page 15 with the following:

Facilitation

(2) For the purposes of this Part, facilitation shall be construed in accordance with subsection 83.19(2).

(b) replacing line 19 on page 29 with the following:

Facilitating terrorist activity

83.19 (1) Every one who knowingly facilitates

(c) adding after line 22 on page 29 the following:

Facilitation

(2) For the purposes of this Part, a terrorist activity is facilitated whether or not

(a) the facilitator knows that a particular terrorist activity is facilitated;

(b) any particular terrorist activity was foreseen or planned at the time it was facilitated; or

(c) any terrorist activity was actually carried out.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing the heading immediately before line 28 on page 16 with the following:

List of Entities

The question being put on the amendment, it was adopted.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by

(a) replacing, in the English version, line 32 on page 16 with the following:

eral of Canada, the Governor in Council is satisfied that

(b) replacing line 11 on page 17 with the following:

entity, the Solicitor General shall

Bill Blaikie moved, -- That the motion be amended by replacing lines 32 and 33 on page 16 with the following:

“eral, the Governor in Council is satisfied that, on a balance of probabilities,”

After debate, the question being put on the sub-amendment, it was negatived.

The question being put on the main amendment, it was adopted.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing line 34 on page 16 with the following:

(a) the entity has knowingly carried out, attempted to

After debate, the question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 1 and 2 on page 17 with the following:

"(b) the entity is acting on behalf of or at the direction of an entity"

After debate, the question being put on the amendment, it was negatived.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing line 1 on page 17 with the following:

(b) the entity is knowingly acting on behalf of, at the

After debate, the question being put on the amendment, it was adopted by a show of hands.

Bill Blaikie moved, -- That Bill C-36, in Clause 4, be amended by adding after line 9 on page 17 the following:

"(1.2) Before a recommendation referred to in subsection (1) is made, the Solicitor General shall notify the entity that it is being considered for listing and shall give it a full and fair opportunity to be heard in respect of the matter."

After debate, the question being put on the amendment, it was negatived.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 30 to 33 on page 16 with the following:

"Governor in Council may place any entity if the Governor in Council has determined under subsection (1.3), or a superior court has determined under subsection (1.4), that"

After debate, the question being put on the amendment, it was negatived.

With unanimous consent, the following amendments were grouped together for a vote:

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 4 to 9 on page 17 with the following:

"(1.1) If the Solicitor General has reasonable grounds to believe that an entity is an entity referred to in paragraph (1)(a) or (b), the Solicitor General may give the entity written notice that he or she intends to recommend to the Governor in Council that the entity be placed on the list."

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by adding after line 9 on page 17 the following:

"(1.2) An entity that receives a notice from the Solicitor General under subsection (1.1) may, within 60 days after its receipt, challenge in writing the Solicitor General's intention to recommend that it be placed on the list."

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by adding after line 9 on page 17 the following:

"(1.3) If no challenge is made in writing by the entity within 60 days after the receipt of the notice, the Solicitor

General may recommend to the Governor in Council that the entity be placed on the list, and the Governor in Council shall determine, on a balance of probabilities, whether the entity is an entity referred to in paragraph (1) (a) or (b).”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by adding after line 9 on page 17 the following:

“(1.4) Within 60 days after receiving a challenge in writing from the entity, the Solicitor General shall, if he or she continues to believe that the entity should be placed on the list, refer the matter to a superior court that shall determine, on a balance of probabilities, if the entity is an entity referred to in paragraph (1)(a) or (b).”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 15 to 20 on page 17 with the following:

“(3) A listed entity may not make an application under subsection (2), except if there has been a material change in its circumstances since the time that the entity was placed on the list.”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 23 and 24 on page 17 with the following:

"taken respecting the application referred to in subsection (2)"

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 36 to 43 on page 17 with the following:

“General;”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 5 to 8 on page 18 with the following:

“decision;”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by deleting lines 1 to 8 on page 18.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 11 to 14 on page 18 with the following:

“(d) if he or she is satisfied, on a balance of probabilities, that the entity is not an entity referred to in paragraph (1)(a) or (b), order that the applicant no”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 42 to 45 on page 18 with the following:

“(11) In this section, “judge” means a judge of a superior court.”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 2 and 3 on page 19 with the following:

“83.05(6), in private,”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 16 to 20 on page 19

with the following:

“relevant.”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by deleting lines 34 to 41 on page 19.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 1 and 2 on page 23 with the following:

“83.13 (1) Where a judge of a superior court, on an *ex parte* application by the”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 15 on page 24 with the following:

“judge of a superior court for a destruction”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 36 on page 24 with the following:

“apply to a judge of a superior court to cancel”

Michel Bellehumeur moved, --

That Bill C-36, in Clause 4, be amended by replacing line 13 on page 25 with the following:

“an application to a judge of a superior court”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 1 and 2 on page 26 with the following:

“(5) If a judge is satisfied that property is property referred”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 39 on page 32 with the following:

“whereabouts of a person believed by the”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 13 on page 33 with the following:

“officer believes may commit a terrorism”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 13 on page 34 with the following:

“privilege, or, in the case of a lawyer, if doing so would result in the disclosure of information that is subject to solicitor-client privilege.”

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 35 on page 34 with the following:

“ings, and to be assisted by counsel during an examination conducted under this section.”

After debate, the question being put on the grouped amendments, they were negatived.

Bill Blaikie moved, -- That Bill C-36, in Clause 4, be amended by adding after line 9 on page 17 the following:

“(1.2) Before a recommendation referred to in subsection (1) is made, the Solicitor General shall notify the entity that it is being considered for listing and shall give it a full and fair opportunity to be heard in respect of the matter.

(1.3) If, after the opportunity to be heard referred to in subsection (1.2) has been given, the Solicitor General still intends to make the recommendation referred to in subsection (1), the entity shall be notified of that decision.

(1.4) Upon receiving the notification referred to in subsection (1.3), the entity may apply to a judge for judicial review of the decision, which review shall be conducted in accordance with subsection (6).”

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by adding after line 15 on page 18 the following:

Evidence

(6.1) The judge may receive into evidence anything that, in the opinion of the judge is reliable and appropriate, even if it would not otherwise be admissible under Canadian law, and may base his or her decision on that evidence.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill 36, in Clause 4, be amended by replacing line 24 on page 18 with the following:

made its last application or if the Solicitor General has completed the review under subsection (9).

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by

(a) replacing line 5 on page 20 with the following:

Freezing of property

83.08 (1) No person in Canada and no Cana-

(b) adding after line 16 on page 20 the following:

No civil liability

(2) A person who acts reasonably in taking, or omitting to take, measures to comply with subsection (1) shall not be liable in any civil action arising from having taken or omitted to take the measures, if the person took all reasonable steps to satisfy themselves that the relevant property was owned or controlled by or on behalf of a terrorist group.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by

(a) replacing lines 31 to 34 on page 21 with the following:

(c) foreign companies within the meaning of subsection 2(1) of the Insurance Companies Act in respect of their insurance business in Canada;

(c.1) companies, provincial companies and societies within the meaning of subsection 2(1) of the Insurance Companies Act;

(c.2) fraternal benefit societies regulated by a provincial Act, in respect of their insurance activities, and insurance companies and other entities engaged in the business of insuring risks that are regulated by a provincial Act;

(b) replacing line 41 on page 21 with the following:

(g) entities authorized under provincial

(c) replacing line 2 on page 22 with the following:

management or investment counselling

(d) replacing lines 4 and 5 on page 22 with the following:

Report

(2) Subject to the regulations, every entity referred to in paragraphs (1)(a) to (g) must report, within the period specified by regulation or, if no period is specified, monthly, to the

(e) adding after line 18 on page 22 the following:

Regulations

(4) The Governor in Council may make regulations

(a) excluding any entity or class of entities from the requirement to make a report referred to in subsection (2), and specifying the conditions of exclusion; and

(b) specifying a period for the purposes of subsection (2).

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing line 26 on page 23 with the following:

information and belief, and, notwithstanding the Federal Court Rules, 1998, no adverse infer-

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing line 7 on page 25 with the following:

Procedure

(12) Subsections 462.33(4) and (6)

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill 36, in Clause 4, be amended by

(a) replacing, in the English version, line 16 on page 25 with the following:

behalf of a terrorist group; or

(b) replacing lines 19 to 23 on page 25 with the following:

terrorist activity.

(c) replacing line 3 on page 26 with the following:

to in paragraph 1(a) or (b), the judge

After debate, the question being put on the amendment, it was adopted by a show of hands.

Chuck Cadman moved, -- That Bill C-36, in Clause 4, be amended by adding after line 7 on page 26 the following:

“(5.1) Any proceeds that arise from the disposal of property under subsection (5) shall be used to compensate victims of terrorist activities and to fund anti-terrorist initiatives in accordance with any regulations made by the Governor in Council under subsection (5.2).

(5.2) The Governor in Council may make regulations for the purposes of specifying how the proceeds referred to in subsection (5.1) are to be distributed.”

Peter MacKay moved that the amendment be amended by replacing “shall” with “may” in (5.1). And the question being put on the sub-amendment, it was agreed to.”

After debate, the question being put on the main amendment, it was adopted by a show of hands.

Vic Toews moved, -- That Bill C-36, in Clause 4, be amended by adding after line 9 on page 27 the following:

“(12) A person who claims to have been wrongfully deprived of an interest in property that has been forfeited under subsection (1) may apply to the Federal Court for restitution.”

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing line 26 on page 25 with the following:

may be sworn on information and belief, and, notwithstanding the Federal Court Rules, 1998,

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, line 22 on page 27 with the following:

une ordonnance rendue en vertu

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, lines 7 and 8 on page 28 with the following:

à une activité terroriste ou de la faciliter.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, lines 28 and 29 on page 28 with the following:

expertise à la disposition d'un groupe terroriste, à son profit ou sous sa direction, ou en association avec lui, ou l'offrir de le faire;

The question being put on the amendment, it was adopted by a show of hands.

Vic Toews moved, -- That Bill C-36, in Clause 4, be amended by adding after line 22 on page 29 the following:

"83.191 (1) Every one who is a member of a terrorist group is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

(2) In determining whether an accused is a member of a terrorist group, the court may consider, among other factors, the factors enumerated in paragraphs 83.18 (4)(a) to (d)."

After debate, the question being put on the amendment, it was negatived by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by

a) replacing line 23 on page 29 with the following:

Commission of offence for terrorist group

83.2 Every one who commits an indict-

b) deleting lines 29 to 32 on page 29.

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, line 26 on page 30 with the following:

quiconque,

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the English version, lines 12 to 15 on page 32 with the following:

application of that subsection would be sought.

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing line 23 on page 32 with the following:

an order for the gathering of information.

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the English version, line 29 on page 32 with the following:

the gathering of information if the judge is

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, line 8 on page 33 with the following:

ments directs et pertinents relatifs à une

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, lines 10 to 12 on page 33 with the following:

néa (i) ou de nature à révéler le lieu où se trouve l'individu que l'agent de la paix soupçonne d'être susceptible de

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, line 38 on page 33 with the following:

ou de ceux des tiers, ou quant à la protection de

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 6 and 7 on page 34 with the following:

the person by the Attorney General or the Attorney General's agent, and shall produce to

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, lines 14 and 15 on page 34 with the following:

When person to be taken before judge

(6) A person detained in custody shall be taken before a provin-

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 19 to 32 on page 37 with the following:

subsection (2),

(i) the judge shall order that the person be released unless the peace officer who laid the information shows cause why the detention of the person in custody is justified on one or more of the following grounds:

(A) the detention is necessary to ensure the person's appearance before a provincial court judge in order to be dealt with in accordance with subsection (8),

(B) the detention is necessary for the protection or safety of the public, including any witness, having regard to all the circumstances including

(I) the likelihood that, if the person is released from custody, a terrorist activity will be carried out, and

(II) any substantial likelihood that the person will, if released from custody, interfere with the administration of justice, and

(C) any other just cause and, without limiting the generality of the foregoing, that the the detention is necessary in order to maintain confidence in the administration of justice, having regard to all the circumstances, including the apparent strength of the peace officer's grounds under subsection (2), and the gravity of any terrorist activity that may be carried out, and

(ii) the judge may adjourn the matter for a hearing under subsection (8) but, if the person is not released under subparagraph (i), the adjournment may not exceed forty-eight hours.

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, line 32 on page 37 with the following:

soupons de l'agent de la paix sont fondés sur

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 35 to 45 on page 37 with the following:

(a) may, if satisfied by the evidence adduced that the peace officer has reasonable grounds for the suspicion, order that the person enter into a recognizance to keep the peace and be of good behaviour for any period that does not exceed twelve months and to comply with any other reasonable conditions prescribed in the recognizance, including the conditions set out in subsection (10), that the provincial court judge considers desirable for preventing the carrying out of a terrorist activity; and

(b) if the person was not released under subparagraph (7)(b)(i), shall order that the person be released, subject to

Décision du juge

(9) Le juge qui préside statue sur toute objection ou question

After debate, the question being put on the amendment, it was adopted on division.

Peter MacKay moved, -- That Bill C-36, in Clause 4, be amended by adding after line 5 on page 34 the following:

“(11.1) In any proceeding under this section, the presiding judge may appoint counsel to represent any person subject to the investigative hearing.”

The question being put on the amendment, it was negatived.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 34 on page 35 with the following:

“(b) believes on reasonable grounds that the”

The question being put on the amendment, it was negatived.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by replacing line 16 on page 36 with the following:

“(b) the peace officer believes on reasonable”

The question being put on the amendment, it was negatived.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing, in the French version, line 39 on page 35 with the following:

à exécution de l'activité terroriste.

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 8 and 9 on page 36 with the following:

(i) the grounds for laying an information referred to in paragraphs (2)(a) and (b) exist but, by

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 18 to 21 on page 36 with the following:

custody is necessary in order to prevent a terrorist activity,

After debate, the question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 35 and 36 on page 36 with the following:

the recognizance, if any, ordered under paragraph (a).

After debate, the question being put on the amendment, it was adopted on division.

Peter MacKay moved, -- That Bill C-36, in Clause 4, be amended by replacing line 7 on page 38 with the following:

"order a bail hearing to consider whether it is desirable, in the inter-"

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing lines 5 and 6 on page 38 with the following:

Conditions - firearms

(10) Before making an order under paragraph (8)(a), the provincial court judge shall

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by replacing line 43 on page 38 with the following:

require, to proceedings under this

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by adding after line 44 on page 38 the following:

Annual report (sections 83.28 and 83.29)

83.31 (1) The Attorney General of Canada shall prepare and cause to be laid before Parliament and the Attorney General of every province shall publish or otherwise make available to the public an annual report for the previous year on the operation of sections 83.28 and 83.29 that includes

(a) the number of consents to make an application that were sought, and the number that were obtained, by virtue of subsections 83.28(2) and (3);

(b) the number of orders for the gathering of information that were made under subsection 83.28(4); and

(c) the number of arrests that were made with a warrant issued under section 83.29.

Annual report (section 83.3)

(2) The Attorney General of Canada shall prepare and cause to be laid before Parliament and the Attorney General of every province shall publish or otherwise make available to the public an annual report for the previous year on the operation of section 83.3 that includes

(a) the number of consents to lay an information that were sought, and the number that were obtained, by virtue of subsections 83.3(1) and (2);

- (b) the number of cases in which a summons or a warrant of arrest was issued for the purpose of subsection 83.3(3);
- (c) the number of cases where a person was not released under subsection 83.3(7) pending a hearing;
- (d) the number of cases in which an order to enter into a recognizance was made under paragraph 83.3(8)(a), and the types of conditions that were imposed;
- (e) the number of times that a person failed or refused to enter into a recognizance, and the term of imprisonment imposed under subsection 83.3(9) in each case; and
- (f) the number of cases in which the conditions fixed in a recognizance were varied under subsection 83.3(13).

Annual report (section 83.3)

(3) The Solicitor General of Canada shall prepare and cause to be laid before Parliament and the Minister responsible for policing in every province shall publish or otherwise make available to the public an annual report for the previous year on the operation of section 83.3 that includes

- (a) the number of arrests without warrant that were made under subsection 83.3(4) and the period of the arrested person's detention in custody in each case; and
- (b) the number of cases in which a person was arrested without warrant under subsection 83.3(4) and was released
 - (i) by a peace officer under paragraph 83.3(5)(b), or
 - (ii) by a judge under paragraph 83.3(7)(a).

Limitation

- (4) The annual report shall not contain any information the disclosure of which would
- (a) compromise or hinder an ongoing investigation of an offence under an Act of Parliament;
 - (b) endanger the life or safety of any person;
 - (c) prejudice a legal proceeding; or
 - (d) otherwise be contrary to the public interest.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 4, be amended by adding after line 44 on page 38 the following:

Sunset provision

83.32 (1) Sections 83.28, 83.29 and 83.3 cease to apply at the end of the fifteenth sitting day of Parliament after December 31, 2006 unless, before the end of that day, the application of those sections is extended by a resolution - the text of which is established under subsection (2) - passed by both Houses of Parliament in accordance with the rules set out in subsection (3).

Order in Council

(2) The Governor General in Council may, by order, establish the text of a resolution providing for the extension of the application of sections 83.28, 83.29 and 83.3 and specifying the period of the extension, which may not exceed five years from the first day on which the resolution has been passed by both Houses of Parliament.

Rules

(3) A motion for the adoption of the resolution may be debated in both Houses of Parliament but may not be amended. At the conclusion of the debate, the Speaker of the House of Parliament shall immediately put every question necessary to determine whether or not the motion is concurred in.

Subsequent extensions

(4) The application of sections 83.28, 83.29 and 83.3 may be further extended in accordance with the procedure set out in this section, with the words "December 31, 2006" in subsection (1) read as "the expiration of the most recent extension under this section".

Definition of "sitting day of Parliament"

(5) In subsection (1), "sitting day of Parliament" means a day on which both Houses of Parliament sit.

Transitional provision

83.33 (1) In the event that sections 83.28 and 83.29 cease to apply pursuant to section 83.32, proceedings commenced under those sections shall be completed if the hearing before the judge of the application made under subsection 83.28 (2) began before those sections ceased to apply.

Transitional provision

(2) In the event that section 83.3 ceases to apply pursuant to section 83.32, a person detained in custody under section 83.3 shall be released when that section ceases to apply, except that subsections 83.3 (7) to (14) continue to apply to a person who was taken before a judge under subsection 83.3 (6) before section 83.3 ceased to apply.

After debate, the decision on the amendment was reserved pending consideration of opposition motions on a sunset clause

Michel Bellehumeur moved, -- That Bill C-36, in Clause 145, be amended by replacing lines 3 to 17 on page 173 with the following:

"Expiry

145. The provisions of this Act cease to have effect three years after their coming into force, with the exception of the provisions respecting the implementation of the following conventions, adopted by the General Assembly of the United Nations:

- (a) the *International Convention for the Suppression of Terrorist Financing*;**
- (b) the *International Convention for the Suppression of Terrorist Bombings*; and**
- (c) the *Convention on the Safety of United Nations and Associated Personnel*."**

After debate, the question being put on the amendment, it was negated.

Bill Blaikie moved, -- That Bill C-36 be amended by adding after line 17 on page 173 the following new clause:

“Expiry

145.1 With the exception of paragraph (a) of the definition “terrorist activity” in subsection 83.01(1), and sections 83.03, 83.04, 83.18, 83.19, 83.21, 83.22, 83.23 and 83.27, as enacted by section 4, and section 320.1, as enacted by section 10, this Act expires three years after it receives royal assent.”

After debate, the question being put on the amendment, it was negated by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 145, be amended by replacing lines 3 to 17 on page 173 with the following:

“Expiry

145. Three years after this Act receives royal assent, the provisions of this Act shall expire, except the following:

(a) the provisions that fulfill Canada's commitment under the conventions listed in the definition "United Nations operation" in subsection 2(2) and the definition "terrorist activity" in subsection 83.01(1) of the *Criminal Code*, as enacted by section 4;

(b) sections 11, 12, 13 and 102."

After debate, the question being put on the amendment, it was negated by a show of hands.

Debate resumed on the motion by Stephen Owen, and, the question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 4, be amended by adding after line 44 on page 38 the following:

“(15) For greater certainty, any person who is a victim of abuse as a result of the application of this section is entitled to recover such compensation as the court hearing the case thinks reasonable.”

After debate, the question being put on the amendment, it was negated.

Clause 4, as amended, carried on the following recorded division:

YEAS:

Carole-Marie Allard
Irwin Cotler
Paul Devillers
Ivan Grose
John Maloney

NAYS:

Michel Bellehumeur
Bill Blaikie
Peter MacKay

John McKay
Lynn Myers
Stephen Owen
Denis Paradis
Chuck Cadman
Brian Fitzpatrick
Kevin Sorenson

(12)

(3)

Clause 5 carried on division.

On Clause 6,

Stephen Owen moved, -- That Bill C-36, in Clause 6, be amended by replacing lines 36 to 44 on page 39 with the following:

1997, c. 23, s. 4

6. Subsection 185(1.1) of the Act is replaced by the following:

Exception for criminal organizations and terrorism offences

(1.1) Notwithstanding paragraph (1)(h), that paragraph does not apply where the application for an authorization is in relation to

(a) an offence under section 467.1;

(b) an offence committed for the benefit of, at the direction of or in association with a criminal organization; or

(c) a terrorism offence.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 6, as amended, carried.

On new Clause (6.1)

Stephen Owen moved, -- That Bill C-36 be amended by adding after line 44 on page 39 the following:

1997, c. 23, s. 5

6.1 Subsection 186(1.1) of the Act is replaced by the following:

Exception for criminal organizations and terrorism offences

(1.1) Notwithstanding paragraph (1)(b), that paragraph does not apply where the judge is satisfied that the application for an authorization is in relation to

(a) an offence under section 467.1;

(b) an offence committed for the benefit of, at the direction of or in association with a criminal organization; or

(c) a terrorism offence.

After debate, the question being put on the amendment, it was adopted by a show of hands.

New Clause (6.1) carried.

On Clause 7,

Stephen Owen moved, -- That Bill C-36, in Clause 7, be amended by replacing lines 1 to 12 on page 40 with the following:

1997, c. 23, s. 6

7. Section 186.1 of the Act is replaced by the following:

Time limitation in relation to criminal organizations and terrorism offences

186.1 Notwithstanding paragraphs 184.2(4)(e) and 186(4)(e) and subsection 186(7), an authorization or any renewal of an authorization may be valid for one or more periods specified in the authorization exceeding sixty days, each not exceeding one year, where the authorization is in relation to

(a) an offence under section 467.1;

(b) an offence committed for the benefit of, at the direction of or in association with a criminal organization; or

(c) a terrorism offence.

After debate, the question being put on the amendment, it was adopted on division.

Clause 7, as amended, carried on division.

On Clause 8,

Stephen Owen moved, -- That Bill C-36, in Clause 8, be amended by replacing lines 13 to 23 on page 40 with the following:

1997, c. 23, s. 7

8. Subsection 196(5) of the Act is replaced by the following:

Exception for criminal organizations and terrorism offences

(5) Notwithstanding subsections (3) and 185(3), where the judge to whom an application referred to in subsection (2) or 185(2) is made, on the basis of an affidavit submitted in support of the application, is satisfied that the investigation is in relation to

(a) an offence under section 467.1,

(b) an offence committed for the benefit of, at the direction of or in association with a criminal organization, or

(c) a terrorism offence,

and is of the opinion that the interests of justice warrant the granting of the application, the judge shall grant an extension, or a subsequent extension, of the period, but no extension may exceed three years.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 8, as amended, carried on division.

Clause 9 carried on division.

On Clause 10,

Stephen Owen moved, -- That Bill C-36, in Clause 10, be amended by replacing, in the English version, line 38 on page 40 with the following:

for believing that there is material that is hate

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 10, as amended, carried.

Clause 11 carried.

On Clause 12,

Michel Bellehumeur moved, --

That Bill C-36, in Clause 12, be amended by replacing line 5 on page 43 with the following:

"mosque, synagogue, temple or cemetery, or an object"

Stephen Owen moved that the motion be amended to replacing lines 7 and 8 on page 43 with the following: on the grounds of such a building or structure, or cemetery, if the commission of the mischief is moti-

After debate, the question being put on the sub-amendment, it was adopted by a show of hands.

The question being put on the main amendment, as amended, it was adopted by a show of hands

Peter MacKay moved, -- That Bill C-36, in Clause 12, be amended by replacing line 10 on page 43 with the following:

"religion, race, colour, sex or national or ethnic"

After debate, the question being put on the amendment, it was negatived.

Clause 12, as amended, carried.

On Clause 13,

Peter MacKay moved, --

That Bill C-36, in Clause 13, be amended by replacing, in the English version, line 22 on page 44 with the

following:

“fence or national security, and every person acting in”

After debate, the question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, --

That Bill C-36, in Clause 13, be amended by replacing lines 46 and 47 on page 44 and lines 1 to 4 on page 45 with the following:

“ture facility, with intent to cause death or serious bodily injury, is guilty of an indictable offence and liable to imprisonment for life.”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 13, be amended by replacing line 5 on page 45 with the following:

(3) For greater certainty, subsection (2) does not apply to an act

The question being put on the amendment, it was adopted by a show of hands.

Clause 13, as amended, carried.

Clause 14 carried on division.

Clause 15 carried on division.

Clause 16 carried on division.

Clause 17 carried on division.

Clause 18 carried on division.

Clause 19 carried on division.

Clause 20 carried on division.

On Clause 21,

Vic Toews moved, -- That Bill C-36, in Clause 21, be amended by replacing line 30 on page 51 with the following:

“imprisonment of two years or more, other than”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Vic Toews moved, -- That Bill C-36, in Clause 21, be amended by adding after line 45 on page 51 the following:

“(1.3) Notwithstanding section 120 of the *Corrections and Conditional Release Act*, where an offender receives

a sentence of imprisonment for life, on conviction for a terrorism offence, the offender shall be ineligible for parole and shall serve the entire sentence.”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 21, be amended by replacing, in the French version, lines 37 and 38 on page 51 with the following:

condamné à une peine d'emprisonne-

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 21, as amended, carried.

Clause 22 carried by a show of hands.

Clause 23 carried by a show of hands.

Clause 24 carried by a show of hands.

Clause 25 carried by a show of hands.

On Clause 26,

Stephen Owen moved, -- That Bill C-36, in Clause 26, be amended by replacing, in the English version, lines 26 to 29 on page 54 with the following:

subsection 83.01(1) of the Criminal Code.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 26, as amended, carried.

On Clause 27,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 27, be amended by replacing line 6 on page 55 with the following:

“purpose, objective or cause and to benefit a”

After debate, the question being put on the amendment, it was negatived.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 27, be amended by replacing lines 11 to 17 on page 55 with the following:

“critical situation in Canada that endangers the lives, health or safety of Canadians.”

After debate, the question being put on the amendment, it was negatived.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 27, be amended by replacing lines 22 and 23 on page 55 with the following:

“health, safety or security of the people of Cana-”

After debate, the question being put on the amendment, it was negatived.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 27, be amended by deleting lines 4 to 12 on page 56.

After debate, the question being put on the amendment, it was negatived.

Stephen Owen moved, -- That Bill C-36, in Clause 27, be amended by replacing, in the French version, line 39 on page 55 with the following:

partie, la capacité militaire des Forces

The question being put on the amendment, it was adopted.

Clause 27, as amended, carried on division.

Clause 28 carried on division.

On Clause 29,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 29, be amended by deleting lines 27 to 37 on page 65 and lines 1 to 28 on page 66.

After debate, the question being put on the amendment, it was negatived by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by replacing line 7 on page 57 with the following:

enters a prohibited place at the direction of, for the benefit of or in association with a foreign entity or a terrorist group.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by adding after line 16 on page 57 the following:

"department"
" ministère "

"department" means a department named in Schedule I to the Financial Administration Act, a division or branch of the public service of Canada set out in column I of Schedule I.1 to that Act and a corporation named in Schedule II to that Act.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by deleting lines 1 to 3 on page 58.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by replacing lines 30 and 31 on page 57 with

the following:

employee of a department, division, branch or office of the public service of Canada, or any of its parts, set out in the schedule; or

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended:

(a) by replacing, in the French version, line 14 on page 58 with the following:

qui est, a été ou est censé être

(b) by replacing, in the French version, line 13 on page 60 with the following:

b) la charge ou les fonctions ou le contrat, protocol d'entente ou marché

(c) by replacing, in the French version, lines 27 to 30 on page 68 with the following:

acte - par action ou omission - qui, au Canada, constitue une infraction à la présente loi - est réputé y avoir commis cet acte si, selon le cas :

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by replacing lines 7 to 31 on page 59 with the following:

and 15(5), the deputy head is

(a) for an individual employed in or attached or seconded to a department, the deputy head of the department;

(b) for an officer or a non-commissioned member of the Canadian Forces, the Chief of the Defence Staff;

(c) for a person who is a member of the exempt staff of a Minister responsible for a department, the deputy head of the department;

(d) for a government contractor in relation to a contract with

(i) the Department of Public Works and Government Services, the deputy head of that department or any other deputy head authorized for the purpose by the Minister of Public Works and Government Services,

(ii) any other department, the deputy head of that department, and

(iii) a Crown Corporation within the meaning of subsection of subsection 83(1) of the Financial Administration Act, the deputy head of the department of the minister responsible for the Crown Corporation; and

(e) for any other person, the Clerk of the Privy Council or a person authorized for the purpose by the Clerk of the Privy Council.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by replacing line 35 on page 59 with the

following:

division, branch or office of the public service of Canada, or any of its parts,

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by replacing line 7 on page 60 with the following:

(a) the person had, has or will have authorized access

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by replacing lines 32 to 38 on page 60 with the following:

Judges Act; and

(d) a military judge within the meaning of subsection 2(1) of the National Defence Act.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by replacing lines 7 to 14 on page 63 with the following:

Prior disclosure to authorities necessary

(5) A judge or court may decide whether the public interest in the disclosure outweighs the public interest in non-disclosure only if the person has complied with the following:

The question being put on the amendment, it was adopted by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 29, be amended by replacing, in the English version, line 33 on page 65 with the following:

“national security”

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by replacing line 37 on page 68 with the following:

mission outside Canada; or

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 29, be amended by adding after line 36 on page 69 the following:

Part XII.2 of Criminal Code applicable

28. The definitions "judge" and "proceeds of crime" in section 462.3 of the Criminal Code, and sections 462.32 to 462.5 of that Act, apply with any modifications that the circumstances require in respect of proceedings for an offence under subsection 4(1), (2), (3) or (4), section 6, subsection 13(1), 14(1), 16(1) or (2), 17(1), 18(1), 19(1), 20(1), 21(1) or 22(1) or section 23.

The question being put on the amendment, it was adopted by a show of hands.

Clause 29, as amended, carried on division.

On Clause 30,

Stephen Owen moved, -- That Bill C-36, in Clause 30, be amended by replacing line 38 on page 69 with the following:

section 28, the schedule set out in Schedule

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 30, as amended, carried on division.

After debate, Clause 31 carried on division.

After debate, Clause 32 carried on division.

After debate, Clause 33 carried on division.

On Clause 34,

Peter MacKay moved, -- That Bill C-36, in Clause 34, be amended by replacing, in the English version, line 31 on page 71 with the following:

"national defence or national security, to exclude all or"

The question being put on the amendment, it was adopted by a show of hands.

Clause 34, as amended, carried on division.

Clause 35 carried by a show of hands.

Clause 36 carried by a show of hands.

Clause 37 carried by a show of hands.

Clause 38 carried by a show of hands.

Clause 39 carried by a show of hands.

Clause 40 carried by a show of hands.

On Clause 41,

Stephen Owen moved, -- That Bill C-36, in Clause 41, be amended by replacing line 19 on page 73 with the following:

130 of the National Defence Act with having

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 41, as amended, carried on division.

Clause 42 carried on division.

On Clause 43,

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by adding after line 21 on page 75 the following:

Evidence

(6.1) The court may receive into evidence anything that, in the opinion of the court is reliable and appropriate, even if it would not otherwise be admissible under Canadian law, and may base its decision on that evidence.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by

(a) replacing line 4 on page 77 with the following:

Protection of right to a fair trial

37.3 (1) A judge presiding at a criminal trial or

(b) adding after line 13 on page 77 the following:

Potential orders

(2) The orders that may be made under subsection (1) include, but are not limited to, the following orders:

(a) an order dismissing specified counts of the indictment or information, or permitting the indictment or information to proceed only in respect of a lesser or included offence;

(b) an order effecting a stay of the proceedings; and

(c) an order finding against any party on any issue relating to information the disclosure of which is prohibited.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 28 on page 77 with the following:

“relations or national defence or national security.”

The question being put on the amendment, it was adopted by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 3 on page 78 with

the following:

“al defence or national security that is in the posses-”

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 6 on page 78 with the following:

and is of a type that the Government of Cana-

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by

(a) replacing line 33 on page 79 with the following:

and, where applicable, for a purpose listed in the schedule.

(b) replacing line 3 on page 80 with the following:

to any entity or purpose, or amend such a reference.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the French version, lines 15 to 21 on page 80 with the following:

c) le fait qu'une demande a été présentée à la Section de première instance de la Cour fédérale au titre de l'article 38.04, qu'il a été interjeté appel d'une ordonnance rendue au titre de l'un des paragraphes 38.06(1) à (3) relativement à une telle demande ou qu'une telle ordonnance a été renvoyée pour examen;

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by adding after line 23 on page 80 the following:

Entities

(1.1) When an entity listed in the schedule, for any purpose listed there in relation to that entity, makes a decision or order that would result in the disclosure of sensitive information or potentially injurious information, the entity shall not disclose the information or cause it to be disclosed until notice of intention to disclose the information has been given to the Attorney General of Canada and a period of 10 days has elapsed after notice was given.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by replacing line 32 on page 80 with the following:

subsection 38.06(1) or (2) or a court

The question being put on the amendment, it was adopted by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 18 on page 84 with the following:

“defence or national security, the judge may, by order,”

The question being put on the amendment, it was adopted by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 23 on page 84 with the following:

“national security but that the public interest in disclo-”

The question being put on the amendment, it was adopted by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 30 on page 84 with the following:

“al defence or national security resulting from disclo-”

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by adding after line 39 on page 84 the following:

Evidence

(3.1) The judge may receive into evidence anything that, in the opinion of the judge is reliable and appropriate, even if it would not otherwise be admissible under Canadian law, and may base his or her decision on that evidence.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 6 on page 87 with the following:

“al defence or national security.”

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by replacing lines 1 to 6 on page 87 with the following:

Certificate of Attorney General of Canada

38.13 (1) The Attorney General of Canada may personally issue a certificate that prohibits the disclosure of information in connection with a proceeding for the purpose of protecting information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2(1) of the Security of Information Act or for the

purpose of protecting national defence or security. The certificate may only be issued after an order or decision that would result in the disclosure of the information to be subject to the certificate has been made under this or any other Act of Parliament.

After debate, the question being put on the amendment, it was adopted on division.

Vic Toews moved, -- That Bill C-36, in Clause 43, be amended by replacing line 6 on page 87 with the following:

“al defence or security, which certificate shall expire thirty years after the day it was issued.”

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 14 on page 88 with the following:

apply to a certificate issued under subsection

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by adding after line 15 on page 88 the following:

Publication

(7) The Attorney General of Canada shall, without delay after a certificate is issued, cause the certificate to be published in the Canada Gazette.

Restriction

(8) The certificate and any matters arising out of it are not subject to review or to be restrained, prohibited, removed, set aside or otherwise dealt with, except in accordance with section 38.131.

Expiration

(9) The certificate expires 15 years after the day on which it is issued and may be reissued.

Application for review of certificate

38.131 (1) A party to the proceeding referred to in section 38.13 may apply to the Federal Court of Appeal for an order varying or cancelling a certificate issued under that section on the grounds referred to in subsection (8) or (9), as the case may be.

Notice to Attorney General of Canada

(2) The applicant shall give notice of the application to the Attorney General of Canada.

Military proceedings

(3) In the case of proceedings under Part III of the National Defence Act, notice under subsection (2) shall be given to both the Attorney General of Canada and the Minister of National Defence.

Single judge

(4) Notwithstanding section 16 of the Federal Court Act, for the purposes of the application, the Federal Court of Appeal consists of a single judge of that Court.

Admissible information

(5) In considering the application, the judge may receive into evidence anything that, in the opinion of the judge is reliable and appropriate, even if it would not otherwise be admissible under Canadian law, and may base a determination made under any of subsections (8) to (10) on that evidence.

Special rules and protective order

(6) Sections 38.11 and 38.12 apply, with any necessary modifications, to an application made under subsection (1).

Expedited consideration

(7) The judge shall consider the application as soon as reasonably possible, but not later than 10 days after the application is made under subsection (1).

Varying the certificate

(8) If the judge determines that some of the information subject to the certificate does not relate either to information obtained in confidence from, or in relation to, a foreign intiry as defined in subsection 2(1) of the Security of Infomration Act, or to national defence or securuty, the judge shall make an order varying the certificate accordingly.

Cancelling the certificate

(9) If the judge determines that none of the information subject to information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2 (1) of the Security of Information Act, or to international defence or security, the judge shall make an order cancelling the certificate.

Confirming the certificate

(10) If the judge determines that all of the information subject to the certificate relates to information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2 (1) of the Security of Information Act, or to international defence or security, the judge shall make an order confirming the certificate.

Determination is final

(11) Notwithstanding any other Act of Parliament, a determination of a judge under any of subsections (8) to (10) is final and is not subject to review or appeal by any court.

Publication

(12) If a certificate is varied or cancelled under this section, the Attorney General of Canada shall, as soon as possible after the decision of the judge and in a manner that mentions the original publication of the certificate, cause to be published in the Canada Gazette

(a) the certificate as varied under subsection (8); or

(b) a notice of the cancellation of the certificate under subsection (9).

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by

(a) replacing line 16 on page 88 with the following:

Protection of right to fair trial

38.14 (1) The person presiding at a criminal

(b) adding after line 25 on page 88 the following:

Potential orders

(2) The orders that may be made under subsection (1) include, but are not limited to, the following orders:

(a) an order dismissing specified counts of the indictment or information, or permitting the indictment or information to proceed only in respect of a lesser or included offence;

(b) an order effecting a stay of the proceedings; and

(c) an order finding against any party on any issue relating to information the disclosure of which is prohibited.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 43, be amended by replacing, in the English version, line 13 on page 89 with the following:

any regulations that the Governor in Council considers necessary to

The question being put on the amendment, it was adopted by a show of hands.

Clause 43, as amended, carried.

Clause 44 carried on division.

On Clause 45,

Stephen Owen moved, -- That Bill C-36, in Clause 45, be amended by replacing lines 22 to 35 on page 89 with the following:

Application respecting disclosure of information

58. (1) Subject to subsection (2), if an investigator or a member or panel of the Tribunal requires the disclosure of any information and a minister of the Crown or any other interested person objects to its disclosure, the Commission may apply to the Federal Court for a determination of the matter and the Court may take any action that it considers appropriate.

Canada Evidence Act

(2) An objection to disclosure shall be determined in accordance with the Canada Evidence Act if

(a) under subsection (1), a minister of the Crown or other official objects to the disclosure in accordance with sections 37 to 37.3 or section 39 of that Act;

(b) within 90 days after the day on which the Commission applies to the Federal Court, a minister of the Crown or other official objects to the disclosure in accordance with sections 37 to 37.3 or section 39 of that Act; or

(c) at any time, an objection to the disclosure is made, or a certificate is issued, in accordance with sections 38 to 38.13 of that Act.

The question being put on the amendment, it was adopted on division.

Clause 45, as amended, carried on division.

Clause 46 carried on division.

Clause 47 carried on division.

Clause 48 carried on division.

On Clause 49,

Stephen Owen moved, -- That Bill C-36, in Clause 49, be amended by replacing lines 21 and 22 on page 90 with the following:

49. (1) The definitions "client" and "courier" in section 2 of the Act are replaced by the following:

"client"
" client "

"client" means a person or an entity that engages in a financial transaction or activity with a person or an entity referred to in section 5, and includes a person or an entity on whose behalf the person or the entity that engages in the transaction or activity is acting.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 49, as amended, carried.

On Clause 50,

Stephen Owen moved, -- That Bill C-36, in Clause 50, be amended by replacing line 24 on page 91 with the following:

services providers and other persons or entities that

The question being put on the amendment, it was adopted by a show of hands.

Clause 50, as amended, carried on division.

Clause 51 carried.

On Clause 52,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 52, be amended by replacing line 28 on page 92 with the following:

“which there are reasonable grounds to believe”

After debate, the question being put on the amendment, it was negatived.

Clause 52 carried.

On Clause 53,

Stephen Owen moved, -- That Bill C-36, in Clause 53, be amended by replacing line 11 on page 93 with the following:

report in good faith under section 7, 7.1 or 9, or for providing the Centre with information about suspicions of money laundering or of the financing of terrorist activities.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 53, as amended, carried on division.

Clause 54 carried on division.

On Clause 55,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 55, be amended by replacing line 33 on page 93 with the following:

“if the officer believes on reasonable”

The question being put on the amendment, it was negatived by a show of hands.

Clause 55 carried.

On Clause 56,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 56, be amended by replacing line 1 on page 94 with the following:

“16. (1) If an officer believes on reasonable”

The question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 56, be amended by replacing line 14 on page 94 with the following:

“(2) If an officer believes on reasonable”

The question being put on the amendment, it was negatived by a show of hands.

Clause 56 carried.

On Clause 57,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 57, be amended by replacing line 31 on page 94 with the following:

“officer believes on reasonable grounds con-”

The question being put on the amendment, it was negated by a show of hands.

Clause 57 carried on division.

On Clause 58,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 58, be amended by replacing line 42 on page 94 with the following:

“reasonable grounds to believe that the curren-”

The question being put on the amendment, it was negated by a show of hands.

Clause 58 carried on division.

On Clause 59,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 59, be amended by replacing line 6 on page 95 with the following:

“is believed to contain currency or monetary”

The question being put on the amendment, it was negated by a show of hands.

Clause 59 carried on division.

Clause 60 carried on division.

Clause 61 carried on division.

Clause 62 carried on division.

Clause 63 carried on division.

On Clause 64,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 64, be amended by replacing line 15 on page 96 with the following:

“to believe that information referred to in”

The question being put on the amendment, it was negated by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 64, be amended by replacing line 23 on page 96 with the

following:

“officer has reasonable grounds to believe that”

The question being put on the amendment, it was negatived by a show of hands.

Clause 64 carried on division.

Clause 65 carried on division.

Clause 66 carried on division.

On Clause 67,

Stephen Owen moved, -- That Bill C-36, in Clause 67, be amended by replacing, in the French version, line 39 on page 97 with the following:

d) se rapportant à des soupçons

The question being put on the amendment, it was adopted on division.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 67, be amended by adding before line 3 on page 98 the following:

“reasonable grounds to believe that designated”

The question being put on the amendment, it was negatived by a show of hands.

Clause 67, as amended, carried on division.

On Clause 68,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 68, be amended by replacing line 34 on page 98 with the following:

“54(c), has reasonable grounds to believe that”

The question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 68, be amended by replacing line 37 on page 99 with the following:

“believe would be relevant to investigating or”

The question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 68, be amended by replacing line 4 on page 100 with the following:

“to believe would be relevant to investigating”

The question being put on the amendment, it was negated by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 68, be amended by

(a) replacing lines 27 to 29 on page 100 with the following:

(a) the Centre

(b) replacing lines 1 to 3 on page 101 with the following:

(a) the Centre

(c) adding after line 14 on page 101 the following:

Requests for information

(2.1) For greater certainty, designated information may be disclosed to an institution or agency under subsection (1) or (2) in response to a request made by the institution or agency.

The question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-36, in Clause 68, be amended by replacing, in the French version, lines 17 to 19 on page 101 with the following:

des demandes de renseignements à un organisme partie à un accord visé aux

The question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 68, be amended by replacing line 30 on page 100 with the following:

“has reasonable grounds to believe that the”

The question being put on the amendment, it was negated by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 68, be amended by replacing line 4 on page 101 with the following:

“has reasonable grounds to believe that the”

The question being put on the amendment, it was negated by a show of hands.

Clause 68, as amended, carried on division.

Clause 69 carried on division.

Clause 70 carried on division.

Clause 71 carried on division.

Clause 72 carried on division.

Clause 73 carried on division.

On Clause 74,

Stephen Owen moved, -- That Bill C-36, in Clause 74, be amended by replacing lines 29 and 30 on page 108 with the following:

tion (1) in respect of a transaction or proposed transaction that they reported to their superior or in respect of property whose existence they

The question being put on the amendment, it was adopted by a show of hands.

Clause 74, as amended, carried on division.

Clause 75 carried on division.

Clause 76 carried on division.

Clause 77 carried on division.

Clause 78 carried on division.

Clause 79 carried on division.

Clause 80 carried on division.

Clause 81 carried on division.

Clause 82 carried on division.

Clause 83 carried on division.

Clause 84 carried on division.

Clause 85 carried on division.

Clause 86 carried on division.

On Clause 87,

Stephen Owen moved, -- That Bill C-36, in Clause 87, be amended by replacing lines 19 to 29 on page 112 with the following:

Certificate under Canada Evidence Act

69.1 (1) Where a certificate under section 38.13 of the Canada Evidence Act prohibiting the disclosure of information contained in a record is issued before a complaint is filed under this Act in respect of a request for access to that information, this Act does not apply to that information.

Certificate following filing of complaint

(2) Notwithstanding any other provision of this Act, where a certificate under section 38.13 of the Canada Evidence Act prohibiting the disclosure of information contained in a record is issued after the filing of a complaint under this Act in relation to a request for access to that information

(a) all proceedings under this Act in respect of the complaint, including an investigation, appeal or judicial review, are discontinued;

(b) the Information Commissioner shall not disclose the information and shall take all necessary precautions to prevent its disclosure; and

(c) the Information Commissioner shall, within 10 days after the certificate is published in the Canada Gazette, return the information to the head of the government institution that controls the information.

The question being put on the amendment, it was adopted on division.

Peter MacKay moved, -- That Bill C-36 be amended by deleting Clause 87.

The question being put on the amendment, it was negatived on the following recorded division:

YEAS:

Michel Bellehumeur
Bill Blaikie
Peter MacKay

NAYS:

Carole-Marie Allard
Irwin Cotler
Paul Devillers
Ivan Grose
John Maloney
John McKay
Lynn Myers
Stephen Owen
Denis Paradis

(3)

(12)

Vic Toews moved, -- That Bill C-36, in Clause 87, be amended by adding after line 23 on page 112 the following:

“(1.1) Any information in respect of which a certificate has been issued under subsection (1) may be reviewed by the Information Commissioner.”

By unanimous consent, the motion was withdrawn.

Vic Toews moved, -- That Bill C-36, in Clause 87, be amended by replacing line 23 on page 112 with the following:

“tions or national defence or security, which certificate shall expire thirty years after the day it was issued.”

By unanimous consent, the motion was withdrawn.

Peter MacKay moved, -- That Bill C-36, in Clause 87, be amended by replacing, in the English version, line 23 on page 112 with the following:

“tions or national defence or national security.”

By unanimous consent, the motion was withdrawn.

Clause 87, as amended, carried on the following recorded division:

NAYS:

Michel Bellehumeur
Bill Blaikie
Peter MacKay

YEAS:

Carole-Marie Allard
Irwin Cotler
Paul Devillers
Ivan Grose
John Maloney
John McKay
Lynn Myers
Stephen Owen
Denis Paradis

(3)

(12)

On Clause 88,

Stephen Owen moved, -- That Bill C-36, in Clause 88, be amended by replacing lines 33 to 36 on page 112 and lines 1 to 4 on page 113 with the following:

Interpretation

(2) For greater certainty, subsection (1) applies in respect of a matter that is communicated by means of a computer or a group of interconnected or related computers, including the Internet, or any similar means of communication, but does not apply in respect of a matter that is communicated in whole or in part by means of the facilities of a broadcasting undertaking.

After debate, the question being put on the amendment, it was adopted on division.

Clause 88, as amended, carried.

Clause 89 carried on division.

Clause 90 carried on division.

Clause 91 carried on division.

Clause 92 carried on division.

On Clause 93,

Stephen Owen moved, -- That Bill C-36, in Clause 93, be amended by replacing, in the English version, line 17 on page 114 with the following:

causes actual danger to life);

The question being put on the amendment, it was adopted by a show of hands.

Clause 93, as amended, carried on division.

On Clause 94,

Stephen Owen moved, -- That Bill C-36, in Clause 94, be amended by replacing lines 33 to 37 on page 114 with the following:

out in Schedule I; and

(b) Schedule I to the Act as amended by sections 91 to 93.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 94, be amended by replacing, in the English version, lines 2 to 8 on page 115 with the following:

offender in respect of whom the Board has made a direction under section 126 before the coming into force of sections 90 to 93.

The question being put on the amendment, it was adopted by a show of hands.

Clause 94, as amended, carried.

Clause 95 carried by a show of hands.

On Clause 96,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 96, be amended by replacing lines 28 and 29 on page 115 with the following:

“Governor in Council may exempt any armed police officer whose presence on board an aircraft is required from the application of any”

After debate, the question being put on the amendment, it was negatived.

Clause 96 carried on division.

Clause 97 carried on division.

On Clause 98,

Stephen Owen moved, -- That Bill C-36, in Clause 98, be amended by replacing, in the French version, lines 29 and 30 on page 117 with the following:

condamné sous le régime de la

The question being put on the amendment, it was adopted by a show of hands.

Clause 98, as amended, carried on division.

Clause 99 carried on division.

Clause 100 carried on division.

Clause 101 carried on division.

On Clause 102,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 102, be amended by replacing lines 8 to 41 on page 122 and lines 1 to 16 on page 123 with the following:

“give the Communications Security Establishment permission in writing to intercept private communications in relation to an activity or class of activities specified by the Minister, provided that authorization has been obtained under subsection (2).

(1.1) An application for authorization shall be made *ex parte* and in writing by the Minister to a provincial court judge, a judge of a superior court of criminal jurisdiction or a judge as defined in section 552 of the *Criminal Code*, and shall be accompanied by an affidavit of the Minister, which may be sworn on the information and belief of the Minister, deposing to the following matters:

(a) that the interception will be directed at foreign entities located outside Canada;

(b) the particulars of the communication to be intercepted;

(c) that the information to be obtained could not reasonably be obtained by other means;

(d) that the expected foreign intelligence value of the information that would be derived from the interception justifies it; and

(e) that satisfactory measures are in place to protect the privacy of Canadians and to ensure that private communications will only be used or retained if they are essential to international affairs, defence or security.

(2) The authorization may be given if the judge to whom the application is made is satisfied that

(a) the interception will be directed at foreign entities located outside Canada;

(b) the information to be obtained could not reasonably be obtained by other means;

(c) the expected foreign intelligence value of the information that would be derived from the interception justifies it; and

(d) satisfactory measures are in place to protect the privacy of Canadians and to ensure that private communications will only be used or retained if they are essential to international affairs, defence or security.

(3) The Minister may, for the sole purpose of protecting the computer systems or networks of the Government of Canada from mischief, unauthorized use or interference, in the circumstances specified in paragraph 184(2)(c) of the *Criminal Code*, give the Communications Security Establishment permission in writing to intercept private communications in relation to an activity or class of activities, provided that authorization has been obtained under subsection (4).

(3.1) An application for authorization shall be made *ex parte* and in writing by the Minister to a provincial court judge, a judge of a superior court of criminal jurisdiction or a judge as defined in section 552 of the *Criminal Code*, and shall be accompanied by an affidavit of the Minister, which may be sworn on the information and belief of the Minister, deposing to the following matters:

(a) that the interception is necessary to identify, isolate or prevent harm to Government of Canada computer systems or networks;

(b) the particulars of the communication to be intercepted;

(c) that the information to be obtained could not reasonably be obtained by other means;

(d) that the consent of persons whose private communications may be intercepted cannot reasonably be obtained;

(e) that satisfactory measures are in place to ensure that only information that is essential to identify, isolate or prevent harm to Government of Canada computer systems or networks will be used or retained; and

(f) that satisfactory measures are in place to protect the privacy of Canadians in the use or retention of that information.

(4) The authorization may be given if the judge to whom the application is made is satisfied that

(a) the interception is necessary to identify, isolate or prevent harm to Government of Canada computer systems or networks;

(b) the information to be obtained could not reasonably be obtained by other means;

(c) the consent of persons whose private communications may be intercepted cannot reasonably be obtained;

(d) satisfactory measures are in place to ensure that only information that is essential to identify, isolate or prevent harm to Government of Canada computer systems or networks will be used or retained; and

(e) satisfactory measures are in place to protect the privacy of Canadians in the use or retention of that information.

(5) An authorization made under this section may contain any conditions that the judge considers advisable to protect the"

After debate, the question being put on the amendment, it was negatived.

Bill Blaikie moved, -- That Bill C-36, in Clause 102, be amended by adding after line 26 on page 122 the following:

"(2.1) Despite the authorization given by the Minister under subsection (1), the Communications Security Establishment must obtain a warrant if the interception is directed at a Canadian citizen or permanent resident."

After debate, the question being put on the amendment, it was negatived by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 102, be amended by replacing line 12 on page 120 with the following:

"273.63 (1) The Governor in Council shall"

After debate, the question being put on the amendment, it was negatived on the following recorded division:

YEAS:

John McKay
Chuck Cadman
Brian Fitzpatrick
Kevin Sorenson
Michel Bellehumeur
Bill Blaikie
Peter MacKay

NAYS:

Carole-Marie Allard
Irwin Cotler
Paul Devillers
Ivan Grose
John Maloney
Lynn Myers
Stephen Owen
Denis Paradis

(7)**(8)**

Stephen Owen moved, -- That Bill C-36, in Clause 102, be amended by replacing lines 8 to 10 on page 121 with the following:

Duties and functions

(6) The Commissioner shall carry out such duties and functions as are assigned to the Commissioner by this Part or any other Act of Parliament, and may carry out or engage in such other related assignments or activities as may be authorized by the Governor in Council.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 102, be amended by adding after line 35 on page 123 the following:

Meaning of "Government of Canada"

(9) In this section, "Government of Canada" means a federal institution, as defined in subsection 3(1) of the Official Languages Act.

The question being put on the amendment, it was adopted by a show of hands.

Clause 102, as amended, carried on division.

On Clause 103,

Stephen Owen moved, -- That Bill C-36, in Clause 103, be amended by replacing lines 4 to 14 on page 125 with the following:

Certificate under Canada Evidence Act

4.1 (1) Where a certificate under section 38.13 of the Canada Evidence Act prohibiting the disclosure of personal information of a specific individual is issued before a complaint is filed by that individual under this Part in respect of a request for access to that information, the provisions of this Part respecting that individual's right of access to his or her personal information do not apply to the information that is subject to the certificate.

Certificate following filing of complaint

(2) Notwithstanding any other provision of this Part, where a certificate under section 38.13 of the Canada Evidence Act prohibiting the disclosure of personal information of a specific individual is issued after the filing of a complaint under this Part in relation to a request for access to that information

- (a) all proceedings under this Part in respect of that information, including an investigation, audit, appeal or judicial review, are discontinued;
- (b) the Commissioner shall not disclose the information and shall take all necessary precautions to prevent its disclosure; and
- (c) the Commissioner shall, within 10 days after the certificate is published in the Canada Gazette, return the information to the organization that provided the information.

Information not to be disclosed

- (3) The Commissioner and every person acting on behalf or under the direction of the Commissioner, in carrying out their functions under this Part, shall not disclose information subject to a certificate issued under section 38.13 of the Canada Evidence Act, and shall take every reasonable precaution to avoid the disclosure of that information.

Limited power of delegation

- (4) The Commissioner may not delegate the investigation of any complaint relating to information subject to a certificate issued under section 38.13 of the Canada Evidence Act except to one of a maximum of four officers or employees of the Commissioner specifically designated by the Commissioner for the purpose of conducting that investigation.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Peter MacKay moved, -- That Bill C-36, in Clause 103, be amended by replacing, in the English version, line 8 on page 125 with the following:

“tions or national defence or national security.”

After debate, by unanimous consent, the motion was withdrawn.

Vic Toews moved, -- That Bill C-36, in Clause 103, be amended by adding after line 8 on page 125 the following:

“(1.1) Any information in respect of which a certificate has been issued under subsection (1) may be reviewed by the Privacy Commissioner.”

By unanimous consent, the motion was withdrawn.

Vic Toews moved, -- That Bill C-36, in Clause 103, be amended by adding after line 8 on page 125 the following:

“(1.1) Any certificate issued under subsection (1) shall expire thirty years after the day it is issued.”

By unanimous consent, the motion was withdrawn.

Clause 103, as amended, carried on division.

On Clause 104,

Peter MacKay moved, -- That Bill C-36, in Clause 104, be amended by replacing, in the English version, line 21 on page 125 with the following:

“tions or national defence or national security.”

By unanimous consent, the motion was withdrawn.

Vic Toews moved, -- That Bill C-36, in Clause 104, be amended by adding after line 21 on page 125 the following:

“(1.1) Any certificate issued under subsection (1) shall expire thirty years after the day it is issued.”

By unanimous consent, the motion was withdrawn.

Vic Toews moved, -- That Bill C-36, in Clause 104, be amended by replacing lines 19 to 21 on page 125 with the following:

“that prohibits the disclosure of information in respect of an individual for the purpose of protecting international relations or national defence or security.

(1.1) The provisions of this Act regarding access by individuals to their personal information do not apply to information the disclosure of which is prohibited by a certificate issued under subsection (1).”

By unanimous consent, the motion was withdrawn.

Vic Toews moved, -- That Bill C-36, in Clause 104, be amended by adding after line 21 on page 125 the following:

“(1.1) Any certificate issued under subsection (1) shall expire thirty years after the day it is issued.”

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-36, in Clause 104, be amended by replacing lines 17 to 27 on page 125 with the following:

Certificate under Canada Evidence Act

70.1 (1) Where a certificate under section 38.13 of the Canada Evidence Act prohibiting the disclosure of personal information of a specific individual is issued before a complaint is filed by that individual under this Act in respect of a request for access to that information, the provisions of this Act respecting that individual's right of access to his or her personal information do not apply to the information that is subject to the certificate.

Certificate following filing of complaint

(2) Notwithstanding any other provision of this Act, where a certificate under section 38.13 of the Canada Evidence Act prohibiting the disclosure of personal information of a specific individual is issued in respect of personal information after the filing of a complaint under this Act in relation to a request for access to that information

(a) all proceedings under this Act in respect of that information, including an investigation, audit, appeal or judicial review, are discontinued;

(b) the Privacy Commissioner shall not disclose the information and shall take all necessary precautions to prevent its disclosure; and

(c) the Privacy Commissioner shall, within 10 days after the certificate is published in the Canada Gazette, return the information to the head of the government institution that controls the information.

Information not to be disclosed

(3) The Privacy Commissioner and every person acting on behalf or under the direction of the Privacy Commissioner, in carrying out their functions under this Act, shall not disclose information subject to a certificate issued under section 38.13 of the Canada Evidence Act and shall take every reasonable precaution to avoid the disclosure of that information.

Limited power of delegation

(4) The Privacy Commissioner may not, nor may an Assistant Privacy Commissioner, delegate the investigation of any complaint respecting information subject to a certificate issued under section 38.13 of the Canada Evidence Act except to one of a maximum of four officers or employees of the Commissioner specifically designated by the Commissioner for the purpose of conducting that investigation.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 104, as amended, carried on division.

On Clause 105,

Stephen Owen moved, -- That Bill C-36, in Clause 105, be amended by replacing, in the French version, lines 11 and 12 on page 126 with the following:

fractions désignées, de criminalité organisée ou de terrorisme.

The question being put on the amendment, it was adopted by a show of hands.

Clause 105, as amended, carried on division.

On Clause 106,

Stephen Owen moved, -- That Bill C-36, in Clause 106, be amended by replacing, in the French version, lines 25 and 26 on page 126 with the following:

gnées, de criminalité organisée ou de terrorisme, ou de biens qui

The question being put on the amendment, it was adopted by a show of hands.

Clause 106, as amended, carried.

On Clause 107,

Stephen Owen moved, -- That Bill C-36, in Clause 107, be amended by replacing, in the English version, lines 16 to 21 on page 127 with the following:

proceeds of crime, offence-related property and property that was the subject of an application under section 83.14 of the Criminal Code, that were forfeited to Her Majesty as a result of proceedings conducted by the Attorney General and that were not in the posses-

The question being put on the amendment, it was adopted by a show of hands.

Clause 107, as amended, carried on division.

Clause 108 carried on division.

On Clause 109,

Stephen Owen moved, -- That Bill C-36, in Clause 109, be amended by replacing, in the French version, lines 41 and 42 on page 127 with the following:

gnées, de criminalité organisée ou de terrorisme, ou de biens qui

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 109, as amended, carried on division.

Clause 110 carried on division.

Clause 111 carried on division.

Clause 112 carried on division.

On Clause 113,

Stephen Owen moved, -- That Bill C-36, in Clause 113, be amended by replacing line 9 on page 129 with the following:

ist activities, to protect the integrity of the registration

After debate, the question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 113, be amended by deleting lines 19 to 23 on page 131.

After debate, the question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 113, be amended by replacing line 35 on page 131 with the following:

“subsection (3) is subject to appeal or”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 113, be amended by replacing lines 13 to 31 on page 132 with the following:

”behalf of those Ministers;

(b) provide the applicant or the registered charity or any counsel representing it with all the evidence presented to the judge so as to enable the applicant, registered charity or counsel to be reasonably informed of the circumstances giving rise to the certificate;”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 113, be amended by replacing line 40 on page 132 with the following:

“is subject to appeal or review by any court.”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 113, be amended by replacing line 43 on page 132 with the following:

reliable and relevant information, whether or not the

After debate, the question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 113, be amended by replacing line 43 on page 132 with the following:

“relevant information, if the”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 113, be amended by replacing lines 2 to 40 on page 133 with the following:

“private and in the presence of the applicant or registered charity or any counsel representing it,

(a) the Minister or the Minister of National Revenue may make an application to the judge for the admission of information obtained in confidence from a government, an institution or an agency of a foreign state, from an international organization of states or from an institution or an agency of an international organization of states;

(b) the judge shall examine the information and provide counsel representing the Minister or the Minister of National Revenue with a reasonable opportunity to be heard as to whether the information is relevant; and

(c) the judge shall ensure that all the information is disclosed to the applicant or registered charity or any counsel representing it.

(2) The information shall be returned to counsel representing the minister who made the application and shall not be considered by the judge in making the determination under paragraph 6(1)(d), if

(a) the judge determines that the information is not relevant; or

(b) the minister withdraws the application.

(3) If the judge decides that the information is relevant, the judge may have the determina--”

The question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 113, be amended by replacing lines 21 to 23 on page 135

with the following:

“Ministers made under paragraph 10(5)(a), the Court will either, on the grounds referred to in section 4,

(a) continue the certificate in effect; or

(b) cancel the certificate as of the date of the Court's decision.”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 113, be amended by replacing lines 28 and 29 on page 135 with the following:

“(5) The determination of the Court is subject to appeal or judicial review.”

The question being put on the amendment, it was negatived by a show of hands.

Clause 113, as amended, carried on division.

Clause 114 carried on division.

Clause 115 carried on division.

Clause 116 carried on division.

Clause 117 carried on division.

Clause 118 carried on division.

Clause 119 carried on division.

Clause 120 carried on division.

Clause 121 carried on division.

On Clause 122,

Stephen Owen moved, -- That Bill C-36, in Clause 122, be amended by replacing lines 5 to 13 on page 141 with the following:

122. (1) If Bill C-11, introduced in the 1st Session of the 37th Parliament and entitled the Immigration and Refugee Protection Act (the "other Act"), receives royal assent and paragraph 274(a) of the other Act comes into force before section 46 of this Act comes into force, then section 46 of this Act is repealed.

(2) Subsection (1) comes into force on the day on which this Act receives royal assent, but only if that day is after the day on which paragraph 274(a) of the other Act comes into force.

The question being put on the amendment, it was adopted by a show of hands.

Clause 122, as amended, carried on division.

Clause 123 carried on division.

On Clause 124,

Stephen Owen moved, -- That Bill C-36, in Clause 124, be amended by replacing lines 3 to 5 on page 142 with the following:

of this Act, items 2 and 3 of the schedule to the *Canada Evidence Act* are replaced by the following:

2. A judge of the Federal Court, for the purposes of sections 6 and 7 of the Charities Registration (Security Information) Act, except where the hearing is open to the public

The question being put on the amendment, it was adopted by a show of hands.

Clause 124, as amended, carried on division.

On Clause 125,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 125, be amended by replacing lines 25 to 34 on page 143 with the following:

“evidence in private, in the presence of the Minister, the Minister of National Revenue, and the applicant or registered charity, or any counsel representing them;”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 125, be amended by replacing lines 39 to 46 on page 143 and lines 1 to 16 on page 144 with the following:

“is reasonable if the judge determines that the information or evidence is not relevant;

(g) the information or evidence described in paragraph (e) may be considered by the judge in determining whether the certificate is reasonable if the judge determines that the information or evidence is relevant;

(h) the judge shall provide the applicant or registered charity with all the information or evidence, so as to enable it to be reasonably informed of the circumstances giving rise to the certificate;”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 125, be amended by replacing line 22 on page 144 with the following:

reliable and appropriate, even if it is inadmissible in a

The question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 125, be amended by replacing line 22 on page 144 with the following:

“appropriate and admissible in a”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 125, be amended by replacing lines 37 and 38 on page 144 with the following:

“(2) The determination of the judge is subject to appeal or judicial review.”

The question being put on the amendment, it was negatived by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 125, be amended by replacing, in the English version, line 14 on page 145 with the following:

by the applicant or former registered charity that

After debate, the question being put on the amendment, it was adopted on division.

Clause 125, as amended, carried on division.

Clause 126 carried on division.

Clause 127 carried on division.

Clause 128 carried on division.

Clause 129 carried on division.

On Clause 130,

Stephen Owen moved, -- That Bill C-36, in Clause 130, be amended by replacing line 30 on page 148 with the following:

(d) a

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 130, be amended by adding after line 43 on page 148 the following:

(7.1) If section 18 of this Act comes into force before section 30 of the other Act, then, on the day on which section 30 of the other Act comes into force, subsection 490.1(1.1) of the Criminal Code is repealed.

(7.2) If subsection 12(2) of the other Act comes into force before section 28 of the Security of Information Act, as enacted by section 29 of this Act, then section 28 of the Security of Information Act is repealed on the later of the coming into force of subsection 12(2) of the other Act and the day on which this Act receives royal assent.

(7.3) If subsection 12(2) of the other Act comes into force on the same day as, or on a day that is after, the day on which section 28 of the Security of Information Act, as enacted by section 29 of this Act, comes into force, then, on the day on which subsection 12(2) of the other Act comes into force, section 28 of the Security of Information Act is repealed.

The question being put on the amendment, it was adopted by a show of hands.

Clause 130, as amended, carried on division.

Clause 131 carried on division.

Clause 132 carried on division.

On Clause 133,

Stephen Owen moved, -- That Bill C-36, in Clause 133, be amended by

(a) replacing line 16 on page 150 with the following:

133. (1) Subsections (2) to (21) apply if

(b) adding after line 24 on page 159 the following:

(20) Subsection 22(2) of this Act is repealed if subsection 46(2) of the other Act comes into force before subsection 22(2) of this Act comes into force.

(21) Subsection 46(2) of the other Act is repealed if subsection 22(2) of this Act comes into force before subsection 46(2) of the other Act comes into force.

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 133, be amended by replacing, in the English version, line 9 on page 153 with the following:

force after section 31 of this Act, then, on the

The question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 133, be amended by

(a) replacing lines 1 to 9 on page 154 with the following:

Exception for criminal organizations and terrorism offences

(1.1) Notwithstanding paragraph (1)(h), that paragraph does not apply where the application for an authorization is in relation to

(a) an offence under section 467.11, 467.12 or 467.13;

(b) an offence committed for the benefit of, at the direction of or in association with a criminal organization; or

(c) a terrorism offence.

(8.1) On the later of the coming into force of section 6.1 of this Act and section 6 of the other Act, subsection 186 (1.1) of the Criminal Code is replaced by the following:

Exception for criminal organizations and terrorism offences

(1.1) Notwithstanding paragraph (1)(b), that paragraph does not apply where the judge is satisfied that the

application for an authorization is in relation to

- (a) an offence under section 467.11, 467.12 or 467.13;
- (b) an offence committed for the benefit of, at the direction of or in association with a criminal organization; or
- (c) a terrorism offence.

- (b) replacing lines 14 to 25 on page 154 with the following:

Time limitation in relation to criminal organizations and terrorism offences

186.1 Notwithstanding paragraphs 184.2(4)(e) and 186(4)(e) and subsection 186(7), an authorization or any renewal of an authorization may be valid for one or more periods specified in the authorization exceeding sixty days, each not exceeding one year, where the authorization is in relation to

- (a) an offence under section 467.11, 467.12 or 467.13;
- (b) an offence committed for the benefit of, at the direction of or in association with a criminal organization; or
- (c) a terrorism offence.

- (c) replacing lines 30 to 42 on page 154 and lines 1 to 3 on page 155 with the following:

Exception for criminal organizations and terrorism offences

(5) Notwithstanding subsections (3) and 185(3), where the judge to whom an application referred to in subsection (2) or 185(2) is made, on the basis of an affidavit submitted in support of the application, is satisfied that the investigation is in relation to

- (a) an offence under section 467.11, 467.12 or 467.13,
- (b) an offence committed for the benefit of, at the direction of or in association with a criminal organization, or
- (c) a terrorism offence,

and is of the opinion that the interests of justice warrant the granting of the application, the judge shall grant an extension, or a subsequent extension, of the period, but no extension may exceed three years.

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 133, be amended by replacing line 15 on page 155 with the following:

- (d) a

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 133, be amended by replacing, in the French version, lines 3 and 4 on page 159 with the following:

condamné à une peine d'emprisonne-

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 133, as amended, carried on division.

On Clause 134,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 134, be amended by replacing line 39 on page 159 with the following:

“reasonable grounds to believe that the curren-”

After debate, the question being put on the amendment, it was negatived by a show of hands.

Clause 134 carried on division.

Clause 135 carried on division.

Clause 136 carried on division.

Clause 137 carried on division.

Clause 138 carried on division.

Clause 139 carried on division.

Clause 140 carried on division.

On Clause 141,

Stephen Owen moved, -- That Bill C-36, in Clause 141, be amended by replacing, in the French version, lines 7 to 12 on page 168 with the following:

c) le fait qu'une demande a été présentée à la Cour fédérale au titre de l'article 38.04, qu'il a été interjeté appel d'une ordonnance rendue au titre de l'un des paragraphes 38.06(1) à (3) relativement à une telle demande ou qu'une telle ordonnance a été renvoyée pour examen;

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in Clause 141, be amended by replacing, in the French version, line 25 on page 168 with the following:

ont fait l'objet de l'avis ou les faits visés aux alinéas 38.02(1)b) à d),

After debate, the question being put on the amendment, it was adopted by a show of hands.

Clause 141, as amended, carried.

Clause 142 carried.

Clause 143 carried.

Clause 144 carried on division.

On new Clause (144.1)

Michel Bellehumeur moved, -- That Bill C-36 be amended by adding after line 2 on page 173 the following new clause:

"Commissioner for the Review of the Anti-terrorism Act

144.1 (1) The Governor in Council may appoint a supernumerary judge or a retired judge of a superior court as the Commissioner for the Review of the *Anti-terrorism Act*, to be responsible for reviewing the operation of this Act and to hold office, during good behaviour, for a term of not more than three years.

(2) The duties of the Commissioner are

(a) to review the operation of this Act;

(b) in response to a complaint, to undertake any investigation that the Commissioner considers necessary; and

(c) to inform the House of Commons of any activity that the Commissioner believes not to be in compliance with this Act, and to report in particular on the matters referred to in subsection 145(1).

(3) In carrying out his or her duties, the Commissioner has all the powers of a commissioner under Part II of the *Inquiries Act*.

(4) The Commissioner may engage the services of such advisors and assistants as the Commissioner considers necessary for the proper performance of his or her duties and, with the approval of the Treasury Board, may fix and pay their remuneration and expenses.

(5) The Governor in Council may issue directions to the Commissioner respecting the carrying out of his or her duties."

After debate, the Chair ruled the amendment out of order.

Ruling by the Chairman

The amendment is out of order as it infringes on the financial initiative of the Crown as fixed by the Royal Recommendation.

On Clause 145,

Stephen Owen moved, -- That Bill C-36, in Clause 145, be amended by

(a) replacing line 9 on page 173 with the following:

designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for

(b) replacing lines 14 to 16 on page 173 with the following:

within such further time as may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any

After debate, the question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in Clause 145, be amended by replacing lines 3 to 15 on page 173 with the following:

"145. (1) Within one year after this Act receives royal assent, and in each year thereafter, the Commissioner for the Review of the *Anti-terrorism Act* shall submit to such committee of the House of Commons as may be designated or established for that purpose a detailed and comprehensive report on the implementation of the provisions of this Act, setting out in particular

- (a) the number and nature of the charges laid under sections 83.01 to 83.04 of the *Criminal Code*;**
 - (b) the number and identity of the entities placed on a list established under section 83.05 of the *Criminal Code*;**
 - (c) the extent, nature and value of the property frozen under sections 83.08 to 83.12 of the *Criminal Code*;**
 - (d) the extent, nature and value of the property seized and restrained under section 83.13 of the *Criminal Code*;**
 - (e) the extent, nature and value of the property forfeited under section 83.14 of the *Criminal Code*;**
 - (f) the number of investigative hearings conducted under section 83.28 of the *Criminal Code*;**
 - (g) the number of persons arrested and detained under section 83.3 of the *Criminal Code*, and the grounds for their arrest or detention;**
 - (h) the number of exemptions granted under section 97 of the *Firearms Act* and the reasons for granting them;**
 - (i) the number of certificates issued under section 69.1 of the *Access to Information Act*;**
 - (j) the number of authorizations issued by the Minister under section 273.65 of the *National Defence Act* and the reasons for issuing them, as well as the number and nature of the charges laid on the basis of the information obtained during the interception authorized by the Minister;**
 - (k) the number of certificates issued under section 4.1 of the *Personal Information Protection and Electronic Documents Act*;**
 - (l) the number of certificates issued under section 70.1 of the *Privacy Act*;**
 - (m) the number of organizations determined to be ineligible to become or to remain registered charities under the *Charities Registration (Security Information) Act*, and the number of certificates issued by the Minister under the provisions of that Act.**
- (2) On receipt of a report described in subsection (1), the committee shall undertake a comprehensive**

review of it, and of the provisions and operation of this Act.

(3) The committee referred to in subsection (1) shall, within three months after a review is undertaken pursuant to subsection (2), submit a report on the review to"

By unanimous consent, the motion was withdrawn.

Clause 145, as amended, carried on division.

On new Clause (145.1)

Peter MacKay moved, -- That Bill C-36 be amended by adding after line 17 on page 173 the following new clause:

"Oversight Committee

145.1 On the day this Act receives royal assent, an oversight committee, consisting of independent citizens — former judges and former members of CSIS — shall be appointed by resolution of Parliament to monitor the effects of this Act, and issue an annual report to Parliament."

After debate, the question being put on the amendment, it was negatived on the following recorded division:

YEAS:

Chuck Cadman
Brian Fitzpatrick
Kevin Sorenson
Michel Bellehumeur
Bill Blaikie
Peter MacKay

(6)

NAYS:

Carole-Marie Allard
Irwin Cotler
Paul Devillers
Ivan Grose
John Maloney
John McKay
Lynn Myers
Stephen Owen
Denis Paradis

(9)

New Clause (145.1) negatived.

On new Clause (145.2)

Peter MacKay moved, -- That Bill C-36 be amended by adding after line 17 on page 173 the following new clause:

"Parliamentary Oversight Committee

145.1 On the day this Act receives royal assent, a parliamentary oversight committee, consisting of Members of Parliament from all recognized Parties and Coalitions in the House of Commons and Senators from recognized parties in the Senate shall be appointed by resolution of Parliament to monitor the effects of this Act, and issue an annual report to Parliament."

After debate, the question being put on the amendment, it was negatived by a show of hands.

New Clause (145.2) negatived.

On Clause 146,

Michel Bellehumeur moved, -- That Bill C-36, in Clause 146, be amended by adding after line 26 on page 173 the following:

“(3) The Governor in Council may not give effect to subsections (1) and (2) unless the persons responsible for carrying out the provisions referred to therein have received the necessary training.”

After debate, the question being put on the amendment, it was negatived.

Clause 146 carried on division.

On Schedule I,

Stephen Owen moved, -- That Schedule 1 to Bill C-36 be replaced on page 174 by the following:

SCHEDULE 1
(Section 30)

SCHEDULE
(Subsection 8(1) and section 9)

Canadian Security Intelligence Service

Service canadien du renseignement de sécurité

Communications Branch of the National Research Council

Direction des télécommunications du Conseil national de recherches

Communications Security Establishment

Centre de la sécurité des télécommunications

Criminal Intelligence Program of the R.C.M.P.

Programme des renseignements criminels de la GRC

Office of the Communications Security Establishment Commissioner

Bureau du commissaire du Centre de la sécurité des télécommunications

Office of the Inspector General of the Canadian Security Intelligence Service

Bureau de l'Inspecteur général du service canadien du renseignement de sécurité

Sch-174.00a

Protective Operations Program of the R.C.M.P.

Programme des missions de protection de la GRC

R.C.M.P. Security Service

Service de sécurité de la GRC

Security Intelligence Review Committee

Comité de surveillance des activités de renseignement de sécurité

Technical Operations Program of the R.C.M.P.

Programme des opérations techniques de la GRC

After debate, the question being put on the amendment, it was adopted by a show of hands.

Schedule I, as amended, carried.

On Schedule II,

Stephen Owen moved, -- That Bill C-36, in Schedule 2, be amended by

(a) replacing item 2 on page 175 with the following:

2. A judge of the Federal Court, for the purposes of sections 6 to 8 of the Charities Registration (Security Information) Act, except where the hearing is open to the public

(b) replacing item 5 on page 175 with the following:

5. A judge of the Federal Court, for the purposes of section 40.1 of the Immigration Act, except where the hearing is open to the public

(c) replacing item 11 on page 175 with the following:

11. The Public Service Staff Relations Board established by section 11 of the Public Service Staff Relations Act, for the purposes of a grievance process under that Act with respect to an employee of the Canadian Security Intelligence Service, with the exception of any information provided to the board by the employee

12. The Information Commissioner, for the purposes of the Access to Information Act

13. The Privacy Commissioner, for the purposes of the Privacy Act

14. The Privacy Commissioner, for the purposes of the Personal Information Protection and Electronic Documents Act

15. A judge of the Federal Court, for the purposes of sections 41 and 42 of the Access to Information Act

16. A judge of the Federal Court, for the purpose of sections 41 to 43 of the Privacy Act

17. A judge of the Federal Court, for the purpose of sections 14 to 17 of the Personal Information Protection and Electronic Documents Act

18. The Security Intelligence Review Committee established by subsection 34(1) of the Canadian Security Intelligence Service Act, for the purposes of sections 41 and 42 of that Act, with the exception of any information provided to the committee by the complainant or an individual who has been denied a security clearance

The question being put on the amendment, it was adopted by a show of hands.

Schedule II, as amended, carried on division.

On the Preamble,

Stephen Owen moved, -- That Bill C-36, in the preamble, be amended:

a) by replacing, in the French version, lines 8 and 9 on page 1 with the following:

que les actes de terrorisme menacent les institutions politiques du Canada, la stabilité de son

b) by replacing, in the French version, lines 5 to 7 on page 2 with the following:

protéger la sécurité nationale - sur les plans politique, social et économique - de même que les relations du Canada avec ses alliés,

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in the preamble, be amended by replacing, in the English version, lines 9 and 10 on page 1 with the following:

economy and the general welfare of the nation;

After debate, the question being put on the amendment, it was adopted by a show of hands.

Stephen Owen moved, -- That Bill C-36, in the preamble, be amended by replacing, in the English version, line 19 on page 1 with the following:

ing fully implementing United Nations and other in-

After debate, the question being put on the amendment, it was adopted by a show of hands.

Michel Bellehumeur moved, -- That Bill C-36, in the preamble, be amended by replacing lines 2 and 3 on page 2 with the following:

“well as to protect the political and social security of Canada and Canada’s rela-”

By unanimous consent, the motion was withdrawn.

The Preamble, as amended, carried.

After debate, Clause 1 carried.

The Bill, as amended, carried on the following recorded division:

Yeas	Nays
Carole-Marie Allard	Michel Bellehumeur
Irwin Cotler	Bill Blaikie
Paul Devillers	
Ivan Grose	
John Maloney	
John McKay	
Lynn Myers	
Stephen Owen	
Denis Paradis	
Chuck Cadman	
Brian Fitzpatrick	
Kevin Sorenson	
Peter MacKay	
(13)	(2)

ORDERED, -- That Bill C-36, An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism, as amended, be reprinted for the use of the House of Commons at Report Stage.

ORDERED, -- That the Chair report Bill C-36 with amendments to the House as the Eight Report of the Committee.

At 2:48 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

EVIDENCE

Standing Committee
on

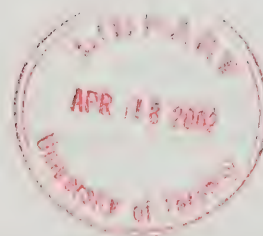
JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 51

Thursday, November 22, 2001

IN CAMERA





MINUTES OF PROCEEDINGS

Meeting No. 51

Thursday, November 22, 2001

The Standing Committee on Justice and Human Rights met *in camera* at 11:05 a.m. this day, in Room 307, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVillers, Brian Fitzpatrick, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Vic Toews.

Acting Member present: Robert Lanctôt for Pierrette Venne.

Associate Member present: Derek Lee.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Future business of the Committee

It was agreed – That the Minister of Justice would be invited to appear on November 29th to speak to Bill C-15B and that the Committee proceed to clause-by-clause consideration of the Bill on Tuesday, December 4th,

It was agreed – That officials of the Department of Justice would be invited to appear to speak to bill C-30 on December 6th and that the Committee proceed to clause-by-clause consideration of the Bill on Tuesday, December 11th, 2001.

It was agreed - That the Committee consider meeting on the afternoon of Thursday the 29th of November or Wednesday the 5th of December to study the Supplementary Estimates, and that the Clerk be given the latitude to schedule the meetings in that order to accommodate the Ministers' schedules.

Ordered – That committee staff write to potential witnesses on the statutory review of the Mental Disorder provisions of the Criminal Code to invite them to submit briefs to the Committee and that the issue paper prepared by the Library of Parliament be included with the letter to better inform the submissions submitted by the witnesses.

It was agreed - That the Clerk provide to members the list of witnesses and testimony given during the study by the Standing Committee of the Mental Disorder Bill in 1991.

It was agreed - That officials of the Department of Justice be invited to provide a briefing on issues surrounding the Mental Disorder Provisions of the Criminal Code.

It was agreed - That the Clerk make available to the members of Committee the testimony heard by the Standing Committee on Justice and Human Rights during the 36th Parliament in its consideration of Bill C-244, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code, which was adduced by the Committee on November 7, 2001.

It was agreed - That Mr. Chuck Strahl, M.P., be invited to speak to Bill C-217 on December 12, 2001 and that he be consulted on other potential witnesses that should be invited to speak to his Private Member's Bill.

With unanimous consent the committee's notice requirement of 48 hours for substantive motions was waved and it was agreed - That, subsequent to the motion adopted on November 1st by the committee in regards to the membership of the sub-committee on National Security, Geoff Regan be named a member of the Sub-Committee.

Ordered - That Committee staff report on any outstanding statutory reviews to be done by the Committee.

It was agreed - That the Committee hold a briefing session on the issue of conditional sentencing after the Christmas break.

At 12:00 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 52

Thursday, November 29, 2001

ORDER OF THE DAY:

Study of Bill C-15B, An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act

APPEARING:

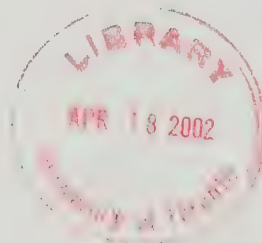
Hon. Anne McLellan, Minister of Justice and Attorney General of Canada

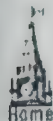
WITNESSES:

Department of Justice Canada:

Karen Markham, Counsel, Criminal Law Policy Section;

Gary Webster, Chief Executive Officer, Canadian Firearms Centre.





MINUTES OF PROCEEDINGS

Meeting No. 52

Thursday, November 29, 2001

The Standing Committee on Justice and Human Rights met in a televised session at 9:44 a.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Irwin Cotler, Paul DeVillers, Brian Fitzpatrick, Ivan Grose, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Robert Lanctôt for Michel Bellehumeur; Howard Hilstrom for Chuck Cadman.

In attendance: From the Library of Parliament: Gérald Lafrenière, researcher.

Appearing: From the Department of Justice Canada: Anne McLellan, Minister of Justice and Attorney General of Canada.

Witnesses: From the Department of Justice Canada: Karen Markham, Counsel, Criminal Law Policy Section; Gary Webster, Chief Executive Office, Canadian Firearms Centre.

Pursuant to its Order of Reference of Monday, March 19, 2001, the Committee resumed consideration of Bill C-15 B.

The Minister of Justice and Attorney General of Canada made a statement and, with the witnesses, answered questions.

At 11:20 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 53

Tuesday, December 4, 2001

ORDER OF THE DAY:

Study of Bill C-15B, An Act to amend the Criminal Code and to amend other Acts

APPEARING:

Stephen Owen, Parliamentary Secretary to the Minister of Justice

WITNESSES:

Canadian Firearms Centre:

Kathleen Roussel, Legal Counsel;

Gary Webster, Chief Executive Officer.

Department of Justice Canada:

Karen Markham, Counsel, Criminal Law Policy Section.

Royal Canadian Mounted Police:

Murray Smith, Chief Scientist, Firearms, Forensic Laboratory Services.





MINUTES OF PROCEEDINGS

Meeting No. 53

Tuesday, December 4, 2001

The Standing Committee on Justice and Human Rights met at 9:40 a.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Irwin Cotler, Paul DeVilliers, Brian Fitzpatrick, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews, Pierrette Venne.

Acting Members present: Marcel Proulx for Paul DeVilliers; Tom Wappel for John McKay; Robert Lanctôt for Michel Bellehumeur; Garry Breitkreuz for Kevin Sorenson; John Finlay for Carole-Marie Allard.

In attendance: From the Committee Director and Legislative Services: Richard Dupuis, Philippe Méla, Legislative Clerks. *From the Library of Parliament:* Gérald Lafrenière, researcher.

Appearing: Stephen Owen, Parliamentary Secretary to the Minister of Justice.

Witnesses: From the Department of Justice Canada: Karen Markham, Counsel, Criminal Law Policy Section. *From the Canadian Firearms Centre:* Gary Webster, Chief Executive Officer; Al Goodall, Registrar; Kathleen Roussel, Legal Counsel. *From the RCMP:* Murray Smith, Chief Forensic Scientist, Firearms, Correction.

Pursuant to its Order of Reference of Wednesday, September 26, 2001, the Committee resumed consideration of Bill C-15B, An Act to amend the Criminal Code and to amend other Acts (*See Minutes of Proceedings, Tuesday, October 2, 2001, Meeting No. 22*).

The Committee proceeded to Clause-by-Clause consideration of the Bill.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed,

On Clause 2,

Robert Lanctôt moved, -- That Bill C-15B, in Clause 2, be amended by replacing, in the French version, lines 16 and 17 on page 1 with the following:

“dont il est démontré qu’elle n’est pas conçue ou adaptée pour tirer du plomb, des balles ou”

After debate, the question being put on the amendment, it was negatived.

Clause 2 carried, on division.

Clauses 3 to 7 carried severally, on division.

On Clause 8,

Peter MacKay moved, -- That Bill C-15B, in Clause 8, be amended by replacing lines 1 to 41 on page 3, lines 1 to 32 on page 4, lines 1 to 24 on page 5 with the following:

"8. The heading before section 444 and sections 444 to 447 of the Act are replaced by the following:

CRUELTY TO ANIMALS

444. In this Part, "animal" means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

445. (1) Every one commits an offence who, wilfully or recklessly,

(a) causes or, being the owner, permits to be caused unnecessary pain, suffering or injury to an animal;

(b) kills an animal or, being the owner, permits an animal to be killed, brutally or viciously, regardless of whether the animal dies immediately;

(c) kills an animal without lawful excuse;

(d) without lawful excuse, poisons an animal, places poison in such a position that it may easily be consumed by an animal, administers an injurious drug or substance to an animal or, being the owner, permits anyone to do any of those things;

(e) in any manner encourages, promotes, arranges, assists at or receives money for the fighting or baiting of animals, including training an animal to fight another animal;

(f) builds, makes, maintains, keeps or allows to be built, made, maintained or kept a cockpit or any other arena for the fighting of animals on premises that he or she owns or occupies;

(g) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive animals are liberated by hand, trap, contrivance or any other means for the purpose of being shot at the moment they are liberated; or

(h) being the owner, occupier or person in charge of any premises, permits the premises or any part of the premises to be used in the course of an activity referred to in paragraph (e) or (g).

(2) Every one who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term of not more than eighteen months.

446. (1) Every one commits an offence who

(a) negligently causes unnecessary pain, suffering or injury to an animal;

(b) being the owner, or the person having the custody or control of an animal, abandons it or fails to provide suitable and adequate food, water, air, shelter and care for it; or

(c) negligently injures an animal while it is being conveyed.

(2) For the purposes of paragraphs (1)(a) and (c), "negligently" means departing markedly from the standard of care that a reasonable person would use.

(3) Every one who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than two years; or

(b) an offence punishable on summary conviction.

447. (1) The court may, in addition to any other sentence that it may impose under subsection 445(2) or 446(3),

(a) make an order prohibiting the accused from owning, having the custody or control of or residing in the same premises as an animal during any period that the court considers appropriate but, in the case of a second or subsequent offence, for a minimum of five years; and

(b) on application of the Attorney General or on its own motion, order that the accused pay to a person or an organization that has taken care of an animal as a result of the commission of the offence the reasonable costs that the person or organization incurred in respect of the animal, if the costs are readily ascertainable.

(2) Every one who contravenes an order made under paragraph (1)(a) is guilty of an offence punishable on summary conviction.

(3) Sections 740 to 741.2 apply, with any modifications that the circumstances require, to orders made under paragraph (1)(b)."

After debate, the question being put on the amendment, it was negatived.

Vic Toews moved, -- That Bill C-15B, in Clause 8, be amended by deleting lines 3 to 5 on page 3.

After debate, the question being put on the amendment, it was negatived.

Vic Toews moved, -- That Bill C-15B, in Clause 8, be amended by replacing lines 4 and 5 on page 3 with the following:

"vertebrate, other than a human being."

After debate, the question being put on the amendment, it was negatived.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing line 7 on page 3 with the following:

"who, wilfully or recklessly, and without legal justification, excuse, or colour of right,"

After debate, the question being put on the amendment, it was negatived.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing line 15 on page 3 with the following:

"(c) kills an animal;"

By unanimous consent, the motion was withdrawn.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing line 16 on page 3 with the following:

"(d) poisons an"

By unanimous consent, the motion was withdrawn.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing lines 22 to 41 on page 3 and lines 1 and 2 on page 4 with the following:

"(1.1) Every one commits an offence who, wilfully or recklessly,

(a) in any manner encourages, promotes, arranges, assists at or receives money for the fighting of animals, including training an animal to fight another animal;

(b) builds, makes, maintains, keeps or allows to be built, made, maintained or kept a cockpit or any other arena for the fighting of animals on premises that he or she owns or occupies;

(c) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event, excluding a sport hunting activity whose purpose is to capture an animal, such as hunting with hounds or a *roue du roi*, at or in the course of which captive animals are liberated by hand, trap, contrivance or any other means for the purpose of being shot at the moment they are liberated; or

(d) being the owner, occupier or person in charge of any premises, permits the premises or any part of the premises to be used in the course of an activity referred to in paragraphs (a) to (c)."

After debate, the question being put on the amendment, it was negatived.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing line 4 on page 4 with the following:

“under subsection (1) or (1.1) is guilty of”

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-15B, in Clause 8, be amended

(a) by replacing lines 9 and 10 on page 4 with the following:

conviction and liable to a fine not exceeding ten thousand dollars or imprisonment for a term of not more than eighteen months or to both.

(b) by replacing line 32 on page 4 with the following:

conviction and liable to a fine not exceeding five thousand dollars or imprisonment for a term of not more than six months or to both.

The question being put on the amendment, it was adopted on division.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing line 12 on page 4 with the following:

“who, negligently and without legal justification, excuse, or colour of right,”

The question being put on the amendment, it was negatived.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing line 13 on page 4 with the following:

“(a) causes unnecessary pain,”

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-15B, in Clause 8, be amended by replacing lines 16 and 17 on page 4 with the following:

the custody or control of an animal, wilfully or recklessly abandons it or negligently fails to provide suitable and

Brian Fitzpatrick moved – That the motion be amended by replacing lines 22 and 23 on page 4 with the following:

(2) for the purposes of subsection (1), “negligently” means departing mark-

After debate, the question being put on the sub-amendment it carried.

The question being put on the amendment as amended, it was adopted on division.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing line 20 on page 4 with the following:

“(c) injures an animal while it is”

By unanimous consent, the motion was withdrawn.

Robert Lanctôt moved, -- That Bill C-15B, in Clause 8, be amended by replacing lines 22 to 24 on page 4 with the following:

“(2) For the purposes of subsection (1), “negligently” means departing markedly in any way from the care that a reason-”

By unanimous consent, the motion was withdrawn.

Stephen Owen moved, -- That Bill C-15B, in Clause 8, be amended by adding after line 24 on page 5 the following:

182.5 For greater certainty, subsection 8 (3) applies in respect of proceedings for an offence under this Part.

The question being put on the amendment, it was adopted.

Ivan Grose moved, -- That Bill C-15B, in Clause 8, be amended by adding after line 24 on page 5 the following:

"182.6 (1) In this section, "law enforcement animal" means a dog, a horse or any other animal used by law enforcement personnel in the execution of their duties.

(2) Every one commits an offence who

(a) assaults, injures or causes the death of a law enforcement animal; or

(b) assaults, injures, causes the death of or poisons, or in any way attempts to poison, a law enforcement animal while it is kenneled, penned, transported or otherwise held.

(3) Every one who commits an offence under paragraph (2)(a) or (b) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than two years; or

(b) an offence punishable on summary conviction.

(4) The court, in addition to any sentence that it may impose under subsection (3), must order the offender to pay all restitution costs, including training costs, resulting from the law enforcement animal being killed or otherwise rendered unable to perform its duties."

John McKay moved – That the motion be amended in paragraph 3 to the effect that everyone who commits an offence under paragraph (2)(a) or (b) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five year; or

(b) an offence punishable in summary conviction and liable to a fine not exceeding ten thousand dollars or imprisonment for a term of not more than eighteen months or to both.

After debate, the question being put on the sub-amendment it was adopted.

After debate, the question being put on the amendment as amended, it was adopted on division.

Vic Toews moved, -- That Bill C-15B, in Clause 8, be amended by adding after line 24 on page 5 the following:

"182.5 No person shall be convicted of an offence under this Part where he or she proves that he or she acted with legal justification or excuse and with colour of right."

After debate, the question being put on the amendment, it was negatived.

Vic Toews moved, -- That Bill C-15B, in Clause 8, be amended by adding after line 24 on page 5 the following:

"182.6 No proceedings shall be instituted under this Part without the consent of the Attorney General."

After debate, the question being put on the amendment, it was negatived.

After debate, Clause 8, as amended, carried on division.

On new Clause 8.1

Pursuant to the motion adopted by the Committee on October 4, 2001 -- That Bill C-15B be amended by adding the following new clause after line 24 on page 5:

8.1 Paragraph 264.1(1)(c) of the Act is replaced by the following:

(c) to kill, poison or injure an animal that is the property of any person.

New Clause 8.1 carried on division.

Clause 9 carried on division.

On new Clause 9.1

Pursuant to the motion adopted by the Committee on October 4, 2001 -- That Bill C-15B be amended by adding the following new clause after line 26 on page 5:

9.1 Paragraph 515(4.1)(c) of the Act is replaced by the following:

(c) an offence relating to the contravention of subsection 5(1) or (2) , 6(1) or (2) or 7(1) of the *Controlled Drugs and Substances Act*, or

New Clause 9.1 carried, on division.

Clauses 10 to 16 carried severally on division.

On Clause 17,

Stephen Owen moved, -- That Bill C-15B, in Clause 17, be amended by replacing line 12 on page 9 with the following:

a prohibited firearm, other than a handgun referred to in subsection 12(6.1), under that subsection,

The question being put on the amendment, it was adopted on division.

Clause 17, as amended, carried on division.

Clauses 18 to 20 carried severally on division.

On Clause 21,

Robert Lanctôt moved, -- That Bill C-15B, in Clause 21, be amended by

(a) replacing line 39 on page 10 with the following:

“1998 handguns) or a proposed importation of a restricted firearm, verify the purpose for”

(b) replacing line 1 on page 11 with the following:

“(c) decide whether to approve the transfer or importation”

The question being put on the amendment, it was negatived.

Clause 21 carried on division.

Clauses 22 to 40 carried severally on division.

On Clause 41,

Stephen Owen moved, -- That Bill C-15B, in Clause 41, be amended by replacing line 6 on page 20 with the following:

subsection that is issued before December 31, 2001,

The question being put on the amendment, it was adopted on division.

Clause 41, as amended, carried on division.

Clause 42 carried on division.

On Clause 43,

Stephen Owen moved, -- That Bill C-15B, in Clause 43, be amended by replacing, in the French version, line 17 on page 21 with the following:

renouveler les permis et les autorisations de port

The question being put on the amendment, it was adopted on division.

Stephen Owen moved, -- That Bill C-15B, in Clause 43, be amended by replacing, in the French version, line 20 on page 21 with the following:

(2) En cas de renouvellement du permis de

The question being put on the amendment, it was adopted on division.

Clause 43, as amended, carried on division.

Clauses 44 to 47 carried severally on division.

On new Clause 48.1

Robert Lanctôt moved, -- That Bill C-15B be amended by adding after line 30 on page 22 the following new clause:

“48.1 Notwithstanding any provision of this Act, for greater certainty, the chief firearms officer of a province shall be responsible, under the powers conferred by this Act, for the administration of the *Firearms Act*, including the receipt, processing and issuance of licences, and transfers, authorizations and licences for businesses.”

The question being put on the amendment, it was negatived.

Clauses 48 to 51 carried severally on division.

On new Clause 51.1

Robert Lanctôt moved the following motions:

That Bill C-15B be amended by adding after line 20 on page 24 the following new clause:

“(2) Section 95 of the Act is amended by adding the following after paragraph (b):

(c) establishing eligibility criteria for the purposes of subsection 5(1).”

That Bill C-15B be amended by adding after line 20 on page 24 the following new clause:

“51.1 (1) The portion of section 95 of the Act before paragraph (a) is replaced by the following:

95. The federal Minister may, with the approval of the Governor in Council, enter into and renew agreements with the governments of the provinces”

That Bill C-15B be amended by adding after line 20 on page 24 the following new clause:

“51.2 The Act is amended by adding the following after section 95:

95.1 In the provinces, a chief firearms officer shall be responsible for the financial management and administration of the processing offices established under the *Firearms Act*.”

Decision by the Chair

These motions propose to amend section 95 of the Parent Act, namely the *Firearms Act*, which is not in the Bill as read a second time by the House. They are therefore inadmissible, as according to procedure, an amendment may not amend a section from the original Act unless it is specifically in a clause of the Bill before the Committee.

On Clause 52,

Stephen Owen moved, -- That Bill C-15B, in Clause 52, be amended by replacing lines 29 and 30 on page 24 with

the following:

Criminal Code, for any period specified by the Governor in Council.

The question being put on the amendment, it was adopted on division.

Clause 52, as amended, carried on division.

Clauses 53 and 54 carried severally on division.

On Clause 55,

Robert Lanctôt moved, -- That Bill C-15B, in Clause 55, be amended by adding after line 29 on page 26 the following:

“(4) Section 117 of the Act is amended by striking out the word “and” at the end of paragraph (v) and by adding the following after paragraph (v):

(v.1) defining the role, duties and functions performed by and the powers exercised by the Commissioner; and”

The question being put on the amendment, it was negatived.

Clause 55 carried on division

Clauses 56 to 58 carried severally on division.

The Chair called Clause 1.

The Title carried.

After debate, Clause 1 carried.

The Bill, as amended, carried.

ORDERED, -- That Bill C-15B, An Act to amend the Criminal Code (Cruelty to Animals and Firearms) and the Firearms Act, as amended, be reprinted for the use of the House of Commons at Report Stage.

ORDERED, -- That the Chair report Bill C-15B with amendments to the House as the Ninth Report of the Committee.

At 12:45 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 54

Wednesday, December 5, 2001

ORDER OF THE DAY:

Study of budget considerations for the Department of the Solicitor General and the Department of Justice





MINUTES OF PROCEEDINGS

Meeting No. 54

Wednesday, December 5, 2001

The Standing Committee on Justice and Human Rights met at 3:40 p.m. this day, in Room 269, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Brian Fitzpatrick, Peter MacKay, John Maloney, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson, Vic Toews, Pierrette Venne.

Acting Members present: Robert Lanctôt for Pierrette Venne; Claude Drouin for Carole-Marie Allard; Tony Ianno for Irwin Cotler; Dennis Mills for Paul DeVilliers; Roy Cullen for Ivan Grose; Walt Lastewka for John McKay.

In attendance: From the Library of Parliament: Gérald Lafrenière, researcher.

Witnesses: From the Solicitor General Canada: Paul E. Kennedy, Senior Assistant Deputy Solicitor General, Policing and Security Branch; Kristine Burr, Assistant Deputy Solicitor General; Nancy Stableforth, Senior Deputy Commissioner, Correctional Service of Canada; Renée Collette, Executive Vice-Chairperson, National Parole Board; Eva Plunkett, Director General, Corporate Services. *From the Department of Justice Canada:* Joy Kane, Senior Assistant Deputy Minister, Policy Sector; Robert Bourgeois, Senior Assistant Deputy Minister, Corporate Services.

Pursuant to Standing Order 108 (2), a study of budget considerations for the Department of the Solicitor General and the Department of Justice

At 3:42 p.m., the sitting was suspended.

At 3:50 p.m., the sitting resumed, *in camera*.

At 3:60 p.m., the sitting was suspended.

At 4:20 p.m., the sitting resumed.

Agreed – that the Committee adjourn today in order to reconvene at a time that would accommodate the Minister of Justice and Solicitor General's schedules, to study budget considerations for the Department of Justice and the Department of the Solicitor General, according to Standing Order 108(2).

Agreed – that officials be thanked for having made themselves available to the Committee this evening.

At 4:30 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 55

Thursday, December 6, 2001

ORDER OF THE DAY:

Study of Bill C-30, An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts

WITNESSES:

Department of Justice Canada:

Judith Bellis, Head, Judicial Affairs Unit;

Adèle Berthiaume, Counsel, Judicial Affairs Unit;

Adair Crosby, Counsel, Judicial Affairs Unit.





MINUTES OF PROCEEDINGS

Meeting No. 55

Thursday, December 6, 2001

The Standing Committee on Justice and Human Rights met at 11:37 a.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Chuck Cadman, Irwin Cotler, Brian Fitzpatrick, Ivan Grose, John McKay, Denis Paradis, Andy Scott, Kevin Sorenson.

Acting Members present: Pat O'Brien for Paul DeVilliers; Derek Lee for John Maloney; Ovid Jackson for Lynn Myers; John Harvard for Stephen Owen; Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Gérald Lafrenière, researcher, Robin McKay, researcher.

Witnesses: From the Department of Justice Canada: Judith Bellis, Head, Judicial Affairs Unit; Adèle Berthiaume, Counsel, Judicial Affairs Unit; Adair Crosby, Counsel, Judicial Affairs Unit.

The Order of Reference dated Wednesday, October 3, 2001, being now read as follows:

ORDERED, -- That Bill C-30, An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

Judith Bellis made a statement and, with the other witnesses, answered questions.

Kevin Sorenson moved that -- Pursuant to Standing Order 108(2), that the Standing Committee on Justice and Human Rights request by means of a report to the House that the Solicitor General conduct an immediate audit of the custodial arrangements for all inmates serving sentences of life imprisonment and,

That the Standing Committee on Justice and Human Rights receive a briefing from the office of the Solicitor General on the custodial arrangements for all inmates serving sentences of life imprisonment.

After debate, the question being put on the motion, it was negatived on the following recorded division:

Yeas:	Nays:
Chuck Cadman	Carole-Marie Allard
Brian Fitzpatrick	Irwin Cotler
Kevin Sorenson	Yvan Grose
Ken Epp	Derek Lee
Robert Lanctôt	John McKay
	Ovid Jackson

Denis Paradis

(5)

(7)

It was agreed – That the Commissioner of Corrections be invited to appear before the Committee early in the New Year to provide a briefing on the custodial arrangements for all inmates serving sentences of life imprisonment.

At 1:00 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

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on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 56

Tuesday, December 11, 2001

ORDER OF THE DAY:

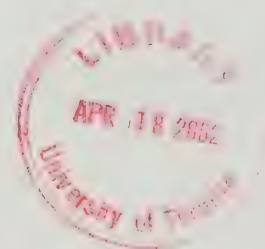
Study of Bill C-30, An Act to establish a body that provides administration services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts

WITNESSES:

Department of Justice Canada:

Judy Bellis, Head, Judicial Affairs Unit;

Adair Crosby, Counsel, Judicial Affairs Unit.





MINUTES OF PROCEEDINGS

Meeting No. 56

Tuesday, December 11, 2001

The Standing Committee on Justice and Human Rights met at 9:38 a.m. this day, in Room 269, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Chuck Cadman, Paul DeVillers, Ivan Grose, Peter MacKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Vic Toews.

Acting Members present: Robert Lanctôt for Michel Bellehumeur; Lynne Yelich for Kevin Sorenson

In attendance: From the Library of Parliament: Robin Mackay, researcher; Philip Rosen, senior analyst.

Witnesses: From the Department of Justice Canada: Judith Bellis, Head, Judicial Affairs Unit; Adèle Berthiaume, Counsel, Judicial Affairs Unit; Adair Crosby, Counsel, Judicial Affairs Unit.

Pursuant to its Order of Reference of Wednesday, October 3, 2001, the Committee resumed consideration of Bill C-30, An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts (*See Minutes of Proceedings, Thursday, December 6, 2001, Meeting No. 55*).

The Committee proceeded to Clause-by-Clause consideration of the Bill.

Pursuant to Standing Order 75(1), consideration of Clause 1 is postponed.

Clauses 2 to 4 carried.

On Clause 5,

Robert Lanctôt moved, -- That Bill C-30, in Clause 5, be amended by replacing lines 17 to 19 on page 2 with the following:

“5. (1) The Chief Administrator shall be selected in accordance with the procedure prescribed by regulations from among the candidates nominated, and shall be appointed by the House of Commons to hold office during pleasure for a term of up to five years.”

After debate, the question being put on the amendment, it was negatived.

Clause 5 carried on division.

Clauses 6 to 184 carried severally.

On Clause 185,

Stephen Owen moved, -- That Bill C-30, in Clause 185, be amended by replacing lines 4 and 5 on page 89 with

the following:

referred to in subsections (1) to (4), (8) and (9) evidencing the person's office by

The question being put on the amendment, it was adopted.

Clause 185, as amended, carried.

Clause 186 to 191 carried severally

On Clause 192,

Stephen Owen moved, -- That Bill C-30, in Clause 192, be amended by replacing lines 25 to 28 on page 90 with the following:

192. Subsection 12(1.1), paragraphs 44(2)(a) and 59(1)(d) and subsections 77.01(1) and 77.1(1) of the *Special Import Measures Act*, as enacted or amended by sections 169 to 173 of this Act, apply to

The question being put on the amendment, it was adopted.

Clause 192, as amended, carried.

Clause 193 to 199 carried severally.

Schedule I carried.

Clause 1 carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, -- That the Chair report Bill C-30 with amendments to the House as the Tenth Report of the Committee.

At 9:47 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 57

Wednesday, December 12, 2001

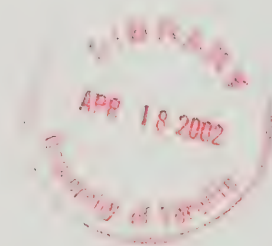
ORDER OF THE DAY:

Study of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code

WITNESS:

House of Commons:

Chuck Strahl, PC/DR, Member from *Fraser Valley*.





MINUTES OF PROCEEDINGS

Meeting No. 57

Wednesday, December 12, 2001

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, John Maloney, John McKay, Lynn Myers, Stephen Owen, Denis Paradis, Andy Scott, Kevin Sorenson.

Acting Member present: Jay Hill for Peter MacKay.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: From the House of Commons: Chuck Strahl, Fraser Valley.

The Order of Reference dated Tuesday, October 16, 2001, being now read as follows:

ORDERED, -- That Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

Mr. Strahl made a statement and answered questions.

At 4:20 p.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 58

Thursday, December 13, 2001

ORDER OF THE DAY:

Review of the mental disorder provisions of the Criminal Code

WITNESS:

Department of Justice Canada:

Catherine Kane, Senior Counsel, Policy Centre for Victims.





MINUTES OF PROCEEDINGS

Meeting No. 58

Thursday, December 13, 2001

The Standing Committee on Justice and Human Rights met at 9:37 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, Brian Fitzpatrick, John Maloney, John McKay, Stephen Owen, Denis Paradis, Andy Scott, Vic Toews.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: From the Department of Justice Canada: Catherine Kane, Senior Counsel, Policy Centre for Victims; Greg Yost, Counsel, Criminal Law Policy Section; Douglas Hoover, Counsel, Criminal Law Policy Section.

Pursuant to Standing Order 108(2), A statutory review of the mental disorder provisions of the Criminal Code

Catherine Kane made a statement and, with the other witnesses, answered questions.

At 11:10 a.m., the Committee adjourned to the call of the Chair.

Catherine Barrette / Marie Danielle Vachon

Clerks of the Committee

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 59

Thursday, January 31, 2002

ORDER OF THE DAY:

Study of the Report of the Privacy Commissioner for the fiscal year ended March 31, 2001





Français

MINUTES OF PROCEEDINGS

Meeting No. 59

Thursday, January 31, 2002

The Standing Committee on Justice and Human Rights met at 12:04 p.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Irwin Cotler, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Andy Scott, Vic Toews.

Acting Members present: Alan Tonks for Carole-Marie Allard, Gérard Binet for Stephen Owen, Murray Calder for Denis Paradis, Jocelyne Girard-Bujold for Michel Bellehumeur.

In attendance: From the Library of Parliament: Marilyn Pilon, Research Officer; Philip Rosen, Senior Analyst.

Pursuant to Standing Order 39(5), the failure of the Ministry to respond to the following question was deemed referred to the Standing Committee on Justice and Human Rights:

Q-98 — Mr. Breitzkreuz (Yorkton--Melville) — Concerning the implementation of the Canadian Firearms Program: (a) what is the projected cost to fully implement and operate the program and enforce the legislation; and (b) what is the cost to the Canadian economy including the projected impact on: (1) the number of firearms owners; (2) the number of hunters; (3) the number of visitors to Canada; (4) tourism and outfitting operations; (5) wildlife populations; (6) aboriginal people, communities, business and employment; (7) international trade; (8) shooting sports; (9) Olympic and international shooting competitions; (10) firearms and ammunition manufacturing, sales and service; (11) sporting goods sales and manufacturing; (12) recreational vehicle sales and manufacturing; (13) gun shows; (14) gun clubs and shooting ranges; (15) firearms collectors and museums; (16) movie and television production; (17) heritage and historical re-enactments; (18) employment in all impacted industries and activities?

John Maloney moved — That the Committee hear the officials of the Department of Justice regarding the failure to respond within the 45 days time limit.

After debate, the question being put on the motion, it was negatived by show of hands.

Pursuant to Standing Order 108(1)(c) and to the reference from the House of December 12, 2001, the Committee proceeded to the consideration of the Report of the Privacy Commissioner for the fiscal year ended March 31, 2001.

John McKay moved — That the Committee hold a meeting on the Report of the Privacy Commissioner for the fiscal year ending March 31, 2001 and that, pursuant to Standing Order 108(1)(c), the Chair report to the House.

The question being put on the motion, it was agreed.

At 12:23 p.m., the Committee resumed sitting *in camera*.

It was agreed, -- That the Committee instruct the Chair to write a letter to the Leaders of each party, asking for their support to refer to the Standing Committee on Justice and Human Rights the statutory review of the Criminal Code provisions regarding mental disorders.

It was agreed, -- That the Committee resume its study of Bill C-217 by inviting witnesses to appear February 19, 2002.

It was agreed, -- That the Committee invite the Commissioner of Corrections of Canada, February 20, 2002.

It was agreed, -- That the Committee agree in principle to undertake a study on lowering the blood alcohol concentration limit from 80 mg per 100 ml to 50 mg per 100 ml of blood.

At 1:01 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

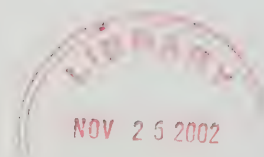
Chair: Andy Scott, Lib.

Meeting No. 60

Tuesday, February 5, 2002

ORDER OF THE DAY:

Future business





Français

MINUTES OF PROCEEDINGS

Meeting No. 60

~~Tuesday, February 5, 2002~~

The Standing Committee on Justice and Human Rights met at 11:10 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, Irwin Cotler, Brian Fitzpatrick, Ivan Grose, John Maloney, John McKay, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Bernard Patry for Paul DeVillers, Derek Lee for Lynn Myers, David Price for Stephen Owen, Garry Breitkreuz for Kevin Sorenson, Garry Breitkreuz for Vic Toews.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

The Committee proceeded to consider its future business.

Vic Toews moved – That the Committee or Sub-Committee study and hear witnesses with respect to the total cost and economic impact of the *Firearms Act*.

After debate, on motion of John McKay, it was agreed that a decision on the motion would be deferred and that the motion would be reconsidered at a date following the appearance of the Minister of Justice to speak to the Estimates.

At 12:15 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 61

Thursday, February 7, 2002

ORDER OF THE DAY:

Study of paragraph 253 (b) of the Criminal Code related to the blood-alcohol level for criminal driving offences

WITNESSES:

Department of Justice Canada:

Hal Pruden, Legal Counsel, Criminal Law Policy Section;

Greg Yost, Legal Counsel, Criminal Law Policy Section.

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Français

MINUTES OF PROCEEDINGS

Meeting No. 61

Thursday, February 7, 2002

The Standing Committee on Justice and Human Rights met at 11:06 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Ivan Grose, Peter MacKay, John Maloney, Lynn Myers, Andy Scott, Kevin Sorenson, Vic Toews.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: From the Department of Justice: Hal Pruden, Legal Counsel, Criminal Law Policy Section; Greg Yost, Legal Counsel, Criminal Law Policy Section.

Pursuant to Standing Order 108(2), a study of paragraph 253(b) of the Criminal Code related to the blood-alcohol level for criminal driving offences.

The witnesses each made a statement and answered questions.

At 11:47 a.m., the sitting was suspended.

At 12:04 p.m., the sitting resumed.

At 1:04 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 62

Tuesday, February 19, 2002

ORDER OF THE DAY:

Study of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code

WITNESSES:

British Columbia Persons with AIDS Society:

Glen Hillson, Chair.

Canadian Criminal Justice Association:

Elizabeth White, President.

Canadian HIV-AIDS Legal Network:

Richard Elliott, Director, Policy and Research.

Canadian Police Association:

Isobel Anderson, Police Officer, Ottawa-Carleton Police Service;

Dale Kinnear, Director, Labour Services.

Paramedic Association of Canada:

Paul Morneau, President.



As Individuals:

Andrew Høglund;

Val Høglund.



Français

MINUTES OF PROCEEDINGS

Meeting No. 62

Tuesday, February 19, 2002

The Standing Committee on Justice and Human Rights met at 9:37 a.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Chuck Cadman, Brian Fitzpatrick, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Andy Scott, Kevin Sorenson.

Acting Members present: Chuck Strahl for Peter MacKay.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Canadian HIV-AIDS Legal Network: Richard Elliott, Director, Policy and Research. *From the Canadian Police Association:* Dale Kinnear, Director, Labour Services; Isobel Anderson, Police Officer, Ottawa-Carleton Police. *From the Canadian Criminal Justice Association:* Elizabeth White, President. *As Individual:* Val Hoglund, Police Officer; Andrew Hoglund, Police Officer. *From the Paramedic Association of Canada:* Paul Morneau, President. *From the BC Persons with AIDS Society:* Glen Hillson, Chair.

Pursuant to its Order of Reference of Tuesday, October 16, 2001, the Committee resumed consideration of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code (*See Minutes of Proceedings, Wednesday, December 12, 2001, Meeting No. 57*).

The witnesses from the first panel made a statement and answered questions.

At 11:04 a.m., the sitting was suspended.

At 11:10 a.m., the sitting resumed.

The witnesses from the second panel made a statement and answered questions.

At 12:40 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 63

Wednesday, February 20, 2002

ORDER OF THE DAY:

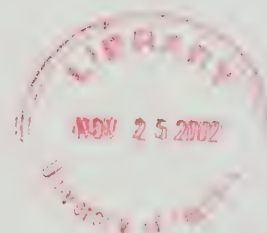
Study of the custodial arrangements for all inmates serving sentences of life imprisonment

WITNESSES:

Correctional Service Canada:

Anne Kelly, Acting Director General, Offender Programs and Reintegration;

Lucie McClung, Commissioner.





Français

MINUTES OF PROCEEDINGS

Meeting No. 63

Wednesday, February 20, 2002

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Peter MacKay, John Maloney, John McKay, Lynn Myers, Andy Scott.

Acting Member present: Robert Lanctôt for Michel Bellehumeur.

Other Member present: Raymond Bonin.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From Correctional Service Canada: Lucie McClung, Commissioner; Anne Kelly, Acting Director General, Offender Programs and Reintegration.

Pursuant to Standing Committee 108(2), the Committee began consideration of the custodial arrangements for all inmates serving sentences of life imprisonment.

The witnesses made a statement and answered questions.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 64

Thursday, February 21, 2002

ORDER OF THE DAY:

Study of the Annual Report of the Privacy Commissioner

WITNESSES:

HIV & AIDS Legal Clinic (Ontario):

Matthew Perry, Community Legal Worker, Acting Co-Director.

McGill University:

Patrick Healy, Professor, Faculty of Law and Institute of Comparative Law.

Police Association of Ontario:

Natalie Hiltz, Constable;

Bruce Miller, Administrator.

Privacy Commissioner of Canada:

George Radwanski.





Français

MINUTES OF PROCEEDINGS

Meeting No. 64

Thursday, February 21, 2002

The Standing Committee on Justice and Human Rights met at 9:05 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Chuck Cadman, Ivan Grose, Peter MacKay, John Maloney, John McKay, Lynn Myers, Andy Scott, Kevin Sorenson.

Acting Members present: Chuck Strahl for Peter MacKay; Paul Macklin for Stephen Owen.

In attendance: From the Library of Parliament: Nancy Holmes, researcher; Philip Rosen, senior analyst.

Witnesses: From the Privacy Commissioner of Canada: George Radwanski, Privacy Commissioner of Canada. *From the HIV & AIDS Legal Clinic (Ontario):* Matthew Perry, Community Legal Worker, Acting Co-Director. *From the Police Association of Ontario:* Bruce Miller, Administrator; Natalie Hiltz, Police Constable. *From McGill University:* Prof. Patrick Healy, Law Professor, Charter of Rights / Division of Power Issues.

Pursuant to Standing Order 108(1) (c), the Committee began its consideration of the Annual Report of the Privacy Commissioner.

The witness made a statement and answered questions.

At 10:40 a.m., the sitting was suspended.

At 10:45 a.m., the sitting resumed.

Pursuant to its Order of Reference of Tuesday, October 16, 2001, the Committee resumed consideration of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code (*See Minutes of Proceedings, Wednesday, December 12, 2001, Meeting No. 57*).

The witness on Panel I made a statement and answered questions.

At 12:02 p.m., the sitting was suspended.

At 12:10 p.m., the sitting resumed.

The witnesses on Panel II made statements and answered questions.

At 1:40 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 65

Tuesday, February 26, 2002

ORDER OF THE DAY:

Consideration of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code

WITNESSES:

British Columbia Civil Liberties Association:

Jason Gratl, Member at Large, Board of Directors.

Canadian Bar Association:

Joan Bercovitch, Senior Director, Legal and Governmental Affairs;

Marc David, Treasurer, National Criminal Justice Section.

Canadian Ski Patrol System:

Maggi McLeod, Vice-President, Education.

International Association of Fire Fighters:

Sean P. McManus, Assistant to the General President, Canadian Operations.





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MINUTES OF PROCEEDINGS

Meeting No. 65

Tuesday, February 26, 2002--

The Standing Committee on Justice and Human Rights met at 11:42 a.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Brian Fitzpatrick, Ivan Grose, Peter MacKay, Paul Macklin, John McKay and Andy Scott.

Acting Member present: Chuck Strahl for Peter Mackay.

In attendance: From the Parliamentary Research Branch of the Library of Parliament: Marilyn Pilon, Research Officer; Philip Rosen, Senior Analyst.

Witnesses: From the British Columbia Civil Liberties Association: Jason Gratl, Board Member. *From the Canadian Ski Patrol:* Maggi McLeod, Vice-President, Education. *From the International Association of Fire Fighters:* Sean McManus, Assistant to the General President, Canadian Operations. *From the Canadian Bar Association:* Joan Bercovitch, Senior Director, Legal and Governmental Affairs; Marc David, Treasurer, National Criminal Justice Section.

Pursuant to its Order of Reference of Tuesday, October 16, 2001, the Committee resumed consideration of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code (*See Minutes of Proceedings, Wednesday, December 12, 2001, Meeting No. 57*).

The witnesses made statements and answered questions.

At 1:18 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon
Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 66

Wednesday, February 27, 2002

ORDER OF THE DAY:

Consideration of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code

WITNESSES:

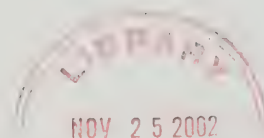
Department of Justice Canada:

Donald Piragoff, General Counsel, Criminal Law Policy Section.

Health Canada:

Chris Archibald, Doctor, Chief, Division of HIV/AIDS Epidemiology and Surveillance;

Shirley Paton, Chief, Division of Nosocomial and Occupational Infections, Bureau of Infectious Diseases.





Français

MINUTES OF PROCEEDINGS

Meeting No. 66

Wednesday, February 27, 2002

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 209, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Chuck Cadman, Ivan Grose, Peter MacKay, Paul Macklin, John Maloney, John McKay, Andy Scott and Kevin Sorenson.

Other Member present: Chuck Strahl.

In attendance: From the Parliamentary Research Branch of the Library of Parliament: Marilyn Pilon, Research Officer.

Witnesses: From the Department of Health: Shirley Paton, Chief, Division of Nosocomial and Occupational Infections; Dr. Chris Archibald, Chief, Division of HIV/AIDS Epidemiology and Surveillance. *From the Department of Justice:* Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section; Donald K. Piragoff, General Counsel, Criminal Law Policy Section.

Pursuant to its Order of Reference of Tuesday, October 16, 2001, the Committee resumed consideration of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code (*See Minutes of Proceedings, Wednesday, December 12, 2001, Meeting No. 57*).

The witnesses made statements and answered questions.

At 4:25 p.m., the sitting was suspended.

At 4:30 p.m., the sitting resumed *in camera*. The Committee proceeded to consider its future business.

At 4:45 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon
Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 67

Thursday, February 28, 2002

ORDERS OF THE DAY:

Study of Bill C-217, An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code

Report by the Chair of the Committee's decision concerning Bill C-217 to the House of Commons

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Français

MINUTES OF PROCEEDINGS

Meeting No. 67

Thursday, February 28, 2002

The Standing Committee on Justice and Human Rights met at 9:40 a.m. this day, in Room 701, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Chuck Cadman, Ivan Grose, Paul Harold Macklin, John Maloney, John McKay, Lynn Myers, Andy Scott.

Acting Members present: Murray Calder for Denis Paradis; Rodger Cuzner for Carole-Marie Allard; Dominic LeBlanc for Paul de Villers; Chuck Strahl for Peter MacKay.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Pursuant to its Order of Reference of Tuesday, October 16, 2001, the Committee resumed consideration of Bill C-217, *An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code* (See *Minutes of Proceedings, Wednesday, December 12, 2001, Meeting No. 57*).

John Maloney moved - That Bill C-217, the Blood Samples Act, do not proceed to clause-by-clause consideration at this time, and that, pursuant to Standing Order 97.1, the Committee recommend that the House of Commons do not proceed further with this Bill, that the Order be discharged and that the Bill be withdrawn from the Order Paper.

After debate, the motion was agreed to unanimously.

John Maloney moved - The Committee recommend that the Department of Justice place the issues addressed in Bill C-217, *An Act to provide for the taking of samples of blood for the benefit of persons administering and enforcing the law and good Samaritans and to amend the Criminal Code*, on the agenda of the next meeting of the Federal-Provincial-Territorial Ministers of Justice, Attorneys General and Solicitors General as well as on the Agenda of the Uniform Law Conference.

After debate, the motion was agreed to unanimously.

Chuck Strahl moved - That the Committee recommend that Health Canada increase its efforts to gather statistics on the number of front-line emergency workers, paramedics, police officers and medical and hospital workers who are exposed to blood borne pathogens in the course of their duties and that the Committee also recommend that the government allocate the resources necessary to achieve this objective.

After debate, the motion was agreed to unanimously.

ORDERED, -- That pursuant to Standing Order 97.1, the Chair report the decision of the Committee concerning Bill C-217 to the House of Commons.

At 9:56 a.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 68

Tuesday, March 12, 2002

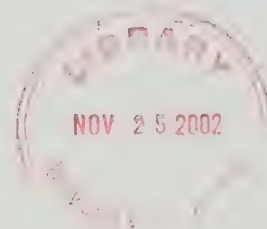
ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESS:

Ottawa University:

John Bradford, Clinical Director, Forensic Program; Head, Division of Forensic Psychiatry.





Français

MINUTES OF PROCEEDINGS

Meeting No. 68

Tuesday, March 12, 2002

The Standing Committee on Justice and Human Rights met at 9:38 a.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Ivan Grose, Paul Harold Macklin, John McKay, Andy Scott.

Acting Member present: Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witness: From the Royal Ottawa Hospital: Dr. John Bradford, Clinical Director, Forensic Program and Head of the Division of Forensic Psychiatry, Ottawa University.

Pursuant to its Order of Reference of Tuesday, February 26, 2002, the Committee resumed its review of the mental disorder provisions of the Criminal Code.

The witness made a statement and answered questions.

At 11:18 a.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 69

Thursday, March 14, 2002

ORDERS OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

Future business in camera

WITNESSES:

Criminal Lawyers' Association:

Carol Ann Letman, Director.

As Individual:

Julio Arboleda-Flórez.





MINUTES OF PROCEEDINGS

Meeting No. 69

Thursday, March 14, 2002

The Standing Committee on Justice and Human Rights met at 11:04 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Irwin Cotler, Ivan Grose, Peter MacKay, Paul Harold Macklin, John McKay, Andy Scott.

Acting Members present: Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: From the Criminal Lawyers' Association: Carol Ann Letman, Director, Peel Region. *From Queen's University:* Dr. Julio Arboleda-Florez, Professor and Head, Department of Psychiatry.

Pursuant to its Order of Reference of Tuesday, February 26, 2002, the Committee resumed its review of the mental disorder provisions of the Criminal Code.

The witnesses made statements and answered questions.

At 12:41 p.m., the sitting was suspended.

At 12:42 p.m., the sitting resumed *in camera*. The Committee proceeded to consider its future business.

At 12:55 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 70

Tuesday, March 19, 2002

ORDER OF THE DAY:

Statutory review of the mental disorder provisions of the Criminal Code

WITNESSES:

Canadian Association for Community Living:

Orville Endicott, Legal Consultant, Disability Rights Issues;

Jim Mahaffy, CACL Board Representative of NAACJ.





Français

MINUTES OF PROCEEDINGS

Meeting No. 70

Tuesday, March 19, 2002

The Standing Committee on Justice and Human Rights met at 11:00 a.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Brian Fitzpatrick, Peter MacKay, Paul Harold Macklin, John McKay, Andy Scott, Vic Toews.

Acting Members present: Robert Lanctôt for Michel Bellehumeur.

Other Member present: Rodger Cuzner.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: From the Canadian Association for Community Living: Orville Endicott, Legal Consultant, Disability Rights Issues; Jim Mahaffy, CACL Board Representative of NAACJ.

Pursuant to its Order of Reference of February 26, 2002, the Committee resumed its consideration of a statutory review of the mental disorder provisions of the Criminal Code.

The witnesses each made a statement and answered questions.

Statement by the Chair

The Chair informed the Committee that he had received a letter of resignation from the Vice-Chair, Denis Paradis, and, therefore, election for the position of Vice-Chair would be held at the next meeting of the Committee.

At 12:37 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 71

Wednesday, March 20, 2002

ORDERS OF THE DAY:

Election of a Vice-Chair

Statutory review of the mental disorder provisions of the Criminal Code

WITNESS:

“Institut Philippe Pinel de Montréal”:

Louis Morissette, Psychiatrist, Association des médecins psychiatres du Québec.





MINUTES OF PROCEEDINGS

Meeting No. 71

Wednesday, March 20, 2002

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 269, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Chuck Cadman, Ivan Grose, John McKay, Lynn Myers, Andy Scott, Vic Toews.

Acting Members present: Hedy Fry for Paul DeVillers; Beth Phinney for Irwin Cotler; Marcel Proulx for John Maloney.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witness: From the « Institut Philippe Pinel de Montréal »: Dr. Louis Morissette, Psychiatrist, « Association des médecins psychiatres du Québec ».

Pursuant to Standing Order 106 (2), the Committee proceeded to the election of a Vice-Chair.

Vic Toews moved, seconded by Beth Phinney, -- That John McKay be elected Vice-Chair of the Committee.

The question being put on the motion, it was agreed to unanimously.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The witness made a statement and answered questions.

At 4:38 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 72

Thursday, March 21, 2002

ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESSES:

Canadian Resource Centre for Victims of Crime:

Steve Sullivan, President and Executive Director.

St. Joseph's Healthcare:

Chris Webster, Doctor, Forensic Service.





Français

MINUTES OF PROCEEDINGS

Meeting No. 72

Thursday, March 21, 2002

The Standing Committee on Justice and Human Rights met at 11:06 a.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Ivan Grose, Paul Harold Macklin, Andy Scott.

Acting Members present: Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: From the Canadian Resource Centre for Victims of Crime: Steve Sullivan, President and Executive Director. *From the St. Joseph's Healthcare:* Dr. Chris Webster.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The witnesses made statements and answered questions.

At 12:40 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 73

Tuesday, April 9, 2002

ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESSES:

B.C. Forensic Psychiatric Services Commission:

Barbara Fisher, Legal Counsel;

Mark Riley, Psychiatrist.

Community Legal Assistance Society:

Corey Bow, Lawyer, Mental Health Law Program;

Diane Nielsen, Lawyer.

As Individual:

Edwin A. Tollefson.





MINUTES OF PROCEEDINGS

Meeting No. 73

Tuesday, April 9, 2002

The Standing Committee on Justice and Human Rights met at 9:36 a.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Ivan Grose, Peter MacKay, Paul Harold Macklin, John McKay, Andy Scott, Kevin Sorenson.

Acting Member present: Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: From the B.C. Forensic Psychiatric Services Commission: Barbara Fisher, Legal Counsel; Dr. Mark Riley, Psychiatrist. *As Individual:* Edwin A. Tollefson, Q.C. *From the Community Legal Assistance Society:* Diane Nielsen, Lawyer; Corey Bow, Lawyer, Mental Health Law Program.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The witnesses each made a statement and answered questions.

At 11:30 a.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 74

Wednesday, April 10, 2002

ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESSES:

ROUND TABLE I:

Canadian Psychiatric Association:

Dominique Bourget, President;

Helen Ward, Clinical Fellow in Forensic Psychiatry, Royal Ottawa Hospital.

Canadian Psychological Association:

Cinny Bubber, Representative;

Jordan Hanley, Representative.

ROUND TABLE II

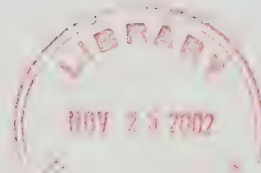
Mood Disorders Society of Canada:

William P. Ashdown, Vice-President;

Phil Upshall, President.

As Individual:

Hon. Justice Edward Ormston.





MINUTES OF PROCEEDINGS

Meeting No. 74

Wednesday, April 10, 2002

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 237-C, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Chuck Cadman, Ivan Grose, Peter MacKay, John McKay, Andy Scott.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: Panel I: From the Canadian Psychological Association: Dr. Jordan Hanley; Dr. Cinny Bubber. *From the Canadian Psychiatric Association:* Dr. Dominique Bourget, President, Canadian Academy on Psychiatry and the Law; Dr. Helen Ward, Clinical Fellow in Forensic Psychiatry, Royal Ottawa Hospital. **Panel II: From the Mood Disorders Society of Canada:** Phil Upshall, President; William P. Ashdown, Vice-President. *As Individual:* Justice Ted Ormston.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The witnesses on Panel I made a statement and answered questions.

At 4:48 p.m., the sitting was suspended.

At 4:58 p.m., the sitting resumed.

The witnesses on Panel II made a statement and answered questions.

At 6:26 p.m., the sitting was suspended.

At 6:31 p.m., the Committee proceeded to sit *in camera*.

At 6:43 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 75

Thursday, April 11, 2002

ORDER OF THE DAY:

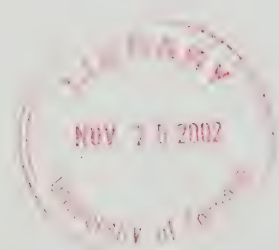
Study of the mental disorder provisions of the Criminal Code

WITNESSES:

As Individuals:

Derek Eaves;

Ronald Roesch.





Français

MINUTES OF PROCEEDINGS

Meeting No. 75

Thursday, April 11, 2002

The Standing Committee on Justice and Human Rights met at 9:35 a.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Chuck Cadman, Ivan Grose, John McKay, Andy Scott.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: As Individuals: Dr. Derek Eaves, Vice-President, Medicine and Research, Riverview Hospital, Visiting Scholar, Simon Fraser University; Prof. Ronald Roesch, Director, Mental Health, Law and Policy Institute, Simon Fraser University.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The witnesses made a statement and answered questions.

At 10:50 a.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 76

Tuesday, April 16, 2002

ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESSES:

ROUND TABLE I

"Barreau du Québec":

Giuseppe Battista, Counsel;

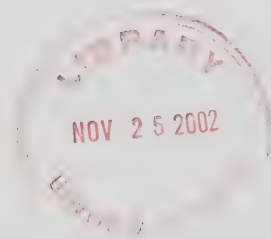
Julie Delaney, Counsel.

British Columbia Civil Liberties Association:

Lindsay Lyster, Policy Director.

Schizophrenia Society of Canada:

Tony Cerenzia, President.



ROUND TABLE II

"Association des groupes d'intervention en défense des droits en santé mentale du Québec":

Paul Morin, Coordinator, Collectif de défense des droits de la Montérégie;

Jean-Yves Pronovost, Administrator.

Ministry of the Attorney General of Ontario:

Robert Cattrell, Assistant Crown Attorney for Simcoe;

Curt Flanagan, Crown Attorney for Leeds and Grenville.

Nova Scotia Legal Aid:

Malcolm Jeffcock, Lawyer.



Français

MINUTES OF PROCEEDINGS

Meeting No. 76

Tuesday, April 16, 2002

The Standing Committee on Justice and Human Rights met at 9:38 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Ivan Grose, Peter MacKay, Paul Harold Macklin, John McKay, Andy Scott, Vic Toews.

Acting Member present: Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: Panel I: From the "Barreau du Québec": Me Giuseppe Battista, Lawyer; Me Julie Delaney, Lawyer. *From the Schizophrenia Society of Canada:* Tony Cerenzia, President. *From the British Columbia Civil Liberties Association:* Lindsay Lyster, Policy Director. **Panel II:** *From the Nova Scotia Legal Aid:* Me Malcolm S. Jeffcock, Lawyer. *From the Ministry of the Attorney General of Ontario:* Curt Flanagan, Crown Attorney for Leeds and Grenville; Robert Gattrell, Assistant Crown Attorney for Simcoe. *From the "Association des groupes d'intervention en défense de droits en santé mentale du Québec":* Paul Morin, "coordonnateur du Collectif de défense des droits de la Montérégie"; Jean-Yves Pronovost, Administrator.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The witnesses on Panel I made a statement and answered questions.

At 11:04 a.m., the sitting was suspended.

At 11:08 a.m., the sitting resumed.

The witnesses on Panel II made a statement and answered questions

At 12:36 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 77

Wednesday, April 17, 2002

ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESSES:

Association of Canadian Review Board Chairs:

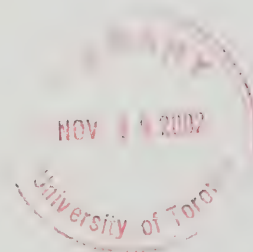
Maureen Forestell, Counsel to Ontario Review Board; Alternate Chair of Ontario and
Nunavut Review Boards;

Lucien Leblanc, Member and President, Quebec Review Board;

Bernd Walter, Chair, British Columbia Review Board.

Quebec Defence Attorneys Association:

Lucie Joncas, Lawyer.





Français

MINUTES OF PROCEEDINGS

Meeting No. 77

Wednesday, April 17, 2002

The Standing Committee on Justice and Human Rights met in a televised session at 3:35 p.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Ivan Grose, Peter MacKay, Paul Harold Macklin, John McKay, Andy Scott.

Acting Members present : Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the Association of Canadian Review Board Chairs: Bernd Walter, Chair, B.C. Review Board; Maureen Forestell, Counsel to Ontario Review Board and alternate chair of Ontario and Nunavut Review Boards; Lucien Leblanc, Member and President, Quebec Review Board. *From the Quebec Defence Attorneys Association:* Me Lucie Joncas, Lawyer.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

Bernd Walter, Lucien Leblanc and Lucie Joncas each made a statement and, with Maureen Forestell, answered questions.

At 5:20 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 78

Thursday, April 18, 2002

ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESSES:

Canadian Bar Association:

Heather Perkins-McVey, Chair, National Criminal Justice Section;

Tamra L. Thomson, Director, Legislation and Law Reform.

East Coast Forensic Psychiatric Hospital, Nova Scotia:


Emmanuel Aquino, Doctor.

Empowerment Council:

Jennifer Chambers, Empowerment Facilitator.

As Individual:

Stanley Semrau.



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MINUTES OF PROCEEDINGS

Meeting No. 78

Thursday, April 18, 2002

The Standing Committee on Justice and Human Rights met at 9:37 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Ivan Grose, Peter MacKay, Paul Harold Macklin, John McKay, Andy Scott.

Acting Members present: Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the East Coast Forensic Psychiatric Hospital, Nova Scotia: Dr. Emmanuel Aquino. *As Individual :* Dr. Stanley Semrau. *From the Empowerment Council:* Jennifer Chambers, Empowerment Facilitator. *From the Canadian Bar Association:* Heather E. Perkins-McVey, Chair, National Criminal Justice Section; Tamra L. Thomson, Director, Legislation and Law Reform.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

Dr. Emmanuel Aquino made a statement.

At 9:54 a.m., the sitting was suspended.

At 10:30 a.m., the sitting resumed.

Dr. Stanley Semrau made a statement and with Dr. Aquino, answered questions.

At 11:24 a.m., the sitting was suspended.

At 11:50 a.m., the sitting resumed.

Jennifer Chambers, Tamra Thomson and Heather Perkins-McVey made a statement and answered questions.

At 12:13 a.m., the sitting was suspended.

At 12:37 p.m., the sitting resumed.

At 1:04 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 79

Tuesday, April 23, 2002

ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESSES:

Canadian Police Association:

David Griffin, Executive Officer.

Centre for Addiction and Mental Health:

Howard Barbaree, Clinical Director, Law and mental Health Program; Professor,
Department of Psychiatry, University of Toronto;

Gail Czukar, General Counsel.





Français

MINUTES OF PROCEEDINGS

Meeting No. 79

Tuesday, April 23, 2002

The Standing Committee on Justice and Human Rights met at 9:37 a.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Bill Blaikie, Jay Hill, Peter MacKay, John McKay, Lynn Myers, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Robert Lanctôt for Michel Bellehumeur; Bernard Patry for Denis Paradis; Larry Bagnell for Paul DeVillers; Murray Calder for John Maloney; André Harvey for Paul Harold Macklin; Allan Tonks for Irwin Cotler.

In attendance: From the Library of Parliament: Marilyn Pilon, researcher; Philip Rosen, senior analyst.

Witnesses: From the Centre for Addiction and Mental Health: Gail Czukar, General Counsel; Dr. Howard Barbaree, Professor and Clinical Director, Law and Mental Health Programs, Department of Psychiatry, University of Toronto. *From the Canadian Police Association:* David Griffin, Executive Officer.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The witnesses made a statement and answered questions.

At 11:55 a.m., the sitting was suspended.

At 12:04 p.m., the sitting proceeded to sit *in camera*.

It was agreed - That the Committee hear a witness *in camera*, that the name of the witness not appear on the Notice or in the Minutes of the meeting, and that the brief submitted by the witness be considered as secret.

At 11h55, the committee suspended.

At 12h04, the committee resumed.

It was agreed - That, in relation to its statutory review of the Mental Disorder Provisions of the *Criminal Code*, a group comprised of five (5) government members and one (1) member of each of the Opposition parties of the Committee be authorized to travel to Toronto in May, and that the necessary staff do accompany the Committee.

It was agreed - That the Committee adopt a travel budget of \$14,839.

It was agreed - That the list of potential witnesses for the study of the subject matter of C-284, *An Act to amend the Criminal Code* (offences by corporations, directors and officers) be adopted and that staff be instructed to begin to invite witnesses for this study beginning on May 2nd, 2002.

At 12:28 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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Chair: Andy Scott, Lib.

Meeting No. 80

Tuesday, April 23, 2002

ORDER OF THE DAY:

Future business of the Committee





MINUTES OF PROCEEDINGS

Meeting No. 80

Tuesday, April 23, 2002

The Standing Committee on Justice and Human Rights met at 12:29 p.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Jay Hill, Peter MacKay, John McKay, Lynn Myers, Andy Scott.

Acting Members present: Robert Lanctôt for Michel Bellehumeur; Bernard Patry for Denis Paradis; Larry Bagnell for Paul DeVillers; Murray Calder for John Maloney; André Harvey for Paul Harold Macklin; Allan Tonks for Irwin Cotler.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Peter Mackay moved, - That the Standing Committee on Justice and Human Rights call as witnesses the Commissioner of the Correctional Service of Canada and the Chairman of the National Parole Board to answer questions on the conditional release of Mr. Brian Riches and the subsequent assault on Mr. Jeffrey Hearn on November 30, 1998. Mr. Hearn still suffers serious injuries from that assault and there has never been a proper review of the release and supervision of offender Riches.

After debate, with unanimous consent, the motion was withdrawn pending the Minister's appearance on Main Estimates.

Peter MacKay gave notice of his intention to present the motion at a later date.

At 12:47 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 81

Wednesday, April 24, 2002

IN CAMERA





Français

MINUTES OF PROCEEDINGS

Meeting No. 81

Wednesday, April 24, 2002

The Standing Committee on Justice and Human Rights met *in camera* at 3:40 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Ivan Grose, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Andy Scott, Vic Toews.

Acting Member present: Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: Marilyn Pilon; analyst, Philip Rosen, senior analyst.

Pursuant to Standing Order 108(2), the Committee met to give instructions to the staff for a draft report.

At 5:35 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 82

Thursday, April 25, 2002

ORDER OF THE DAY:

Study of the Estimates 2002-2003: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50, under the Solicitor General

APPEARING:

Honourable Lawrence MacAulay, Solicitor General of Canada

WITNESSES:

Canadian Security Intelligence Service:

Ward P. Elcock, Director.

Correctional Service Canada:

Lucie McClung, Commissioner.

National Parole Board:

Ian Glen, Chair.

Royal Canadian Mounted Police:

Guiliano Zaccardelli, Commissioner.





Français

MINUTES OF PROCEEDINGS

Meeting No. 82

Thursday, April 25, 2002

The Standing Committee on Justice and Human Rights met in a *televised* session at 11:07 a.m. this day, in Room 253-D, Centre Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Michel Bellehumeur, Bill Blaikie, Chuck Cadman, Ivan Grose, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Lynn Myers, Andy Scott, Kevin Sorenson.

Acting Members present: Derek Lee for Denis Paradis, Randy White for Vic Toews, Bob Wood for Paul DeVillers, Alex Shepherd for Paul DeVillers, Alan Tonks for Denis Paradis.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Appearing: From the House of Commons: Lawrence MacAulay, Solicitor General of Canada.

Witnesses: From the Department of the Solicitor General: Nicole Jauvin, Deputy Solicitor General. *From the Canadian Security Intelligence Service:* Ward P. Elcock, Director. *From the Royal Canadian Mounted Police:* Guiliano Zaccardelli, Commissioner. *From the National Parole Board:* Ian Glen, Chair. *From Correctional Service Canada:* Lucie McClung, Commissioner.

Pursuant to an Order of Reference dated Tuesday, February 28, 2002, a study of the Estimates 2002-2003: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50, under the Solicitor General.

The Minister made a statement and, with the other witnesses, answered questions.

At 1:02 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 83

Tuesday, April 30, 2002

ORDER OF THE DAY:

Study of the mental disorder provisions of the Criminal Code

WITNESS:

As Individual:

Syed Akhtar.





MINUTES OF PROCEEDINGS

Meeting No. 83

Tuesday, April 30, 2002

The Standing Committee on Justice and Human Rights met at 11:02 a.m. this day, in Room 371, West Block, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Carole-Marie Allard, Bill Blaikie, Chuck Cadman, Irwin Cotler, Ivan Grose, Jay Hill, Paul Harold Macklin, John Maloney, John McKay, Lynn Myers, Andy Scott, Kevin Sorenson.

Acting Members present: Robert Lanctôt for Michel Bellehumeur; Guy St-Julien for Paul Harold Macklin.

In attendance: From the Library of Parliament: Marilyn Pilon, analyst; Philip Rosen, senior analyst.

Witness: As Individual: Dr. Syed Akhtar.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The witness made a statement and answered questions.

At 11:25 a.m., the Chair took the Chair.

At 12:20 p.m., the sitting was suspended.

At 12:26 p.m., the Committee proceeded to sit *in camera*.

Pursuant to Standing Order 108(2), the Committee met to give instructions to staff for a draft report.

At 1:00 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 84

Thursday, May 2, 2002

ORDER OF THE DAY:

Study of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers)

WITNESSES:

Round Table I:

Department of Justice Canada:

Dave Whellams, Counsel, Criminal Law Policy Section;

Greg Yost, Legal Counsel, Criminal Law Policy Section.

Round Table II:

Canadian Council for the Rights of Injured Workers:

Dominique Vaillancourt, Vice-President, Director of Outreach and Communication;

Maria York, President.

Ottawa and district Injured Workers Group:

Doug Perrault, President.

As Individual:

Vern Theriault.





MINUTES OF PROCEEDINGS

Meeting No. 84

Thursday, May 2, 2002

The Standing Committee on Justice and Human Rights met at 9:37 a.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Michel Bellehumeur, Bill Blaikie, Ivan Grose, Jay Hill, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Lynn Myers, Andy Scott, Kevin Sorenson.

In attendance: From the Library of Parliament: David Goetz, analyst; Philip Rosen, senior analyst.

Witnesses: Panel I: From the Department of Justice: Greg Yost, Counsel, Criminal Law Policy Section; Dave Whellams, Counsel, Criminal Law Policy Section. **Panel II: From the Canadian Council for the Rights of Injured Workers:** Maria York, President; Dominique Vaillancourt, Vice-President, Director of Outreach and Communication. *From the Ottawa and District Injured Workers Group:* Doug Perrault, President. *As Individual:* Vern Theriault.

Pursuant to the Order of Reference of February 19, 2002, subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

The witnesses on Panel I made statements and answered questions.

With unanimous consent, John McKay moved – That notwithstanding the motion adopted on the 23rd of April, 2002, in relation to its statutory review of the Mental Disorder Provisions of the Criminal Code, a group comprised of five (5) government members, two (2) members of the Canadian Alliance and one (1) member each of the Bloc Québécois and Progressive Conservative Parties of the Standing Committee on Justice and Human Rights be authorized to travel to Toronto on May 21, and that the necessary staff do accompany the Committee.

At 11:04 a.m., the sitting was suspended.

At 11:10 a.m., the sitting resumed.

The witnesses on Panel II made statements and answered questions.

At 12:43 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 85

Tuesday, May 7, 2002

ORDER OF THE DAY:

Study of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers)

WITNESSES:

Round Table I:

Westray Families Group:

Allen Martin.

Round Table II:

Corporate Responsibility Coalition:

Duff Conacher, Chairperson.

Ottawa and District Labour Council:

David Miezenger, Representative.

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Français

MINUTES OF PROCEEDINGS

Meeting No. 85

Tuesday, May 7, 2002

The Standing Committee on Justice and Human Rights met at 9:35 a.m. this day, in Room 705, La Promenade Building, the Chair, Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Members present: Alan Tonks for Denis Paradis, Julian Reed for Paul DeVillers; Robert Lanctôt for Michel Bellehumeur; Bev Desjarlais for Bill Blaikie; Derek Lee for Lynn Myers; Marcel Proulx for Carole-Marie Allard; Ovide Jackson for Ivan Grose.

In attendance: From the Library of Parliament: David Goetz, researcher; Philip Rosen, senior analyst.

Witnesses: Panel I: From the Westray Families Group: Allen Martin. **Panel II: From the Corporate Responsibility Coalition:** Duff Conacher, Chairperson. *From the Ottawa and District Labour Council:* David Miezenger.

Pursuant to the Order of Reference of February 19, 2002, the Committee resumed consideration of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

The witness from Panel I made a statement and answered questions.

At 10:33 a.m., the sitting was suspended.

At 10:35 a.m., the sitting resumed.

Peter MacKay moved – That the Standing Committee on Justice and Human Rights call as witnesses the Commissioner of the Correctional Service of Canada and the Chairman of the National Parole Board to answer questions on the conditional release of Mr. Brian Riches and the subsequent assault on Mr. Jeffrey Hearn on November 30, 1998. Mr. Hearn still suffers serious injuries from that assault and there has never been a proper review of the release and supervision of offender Riches.

After debate, with unanimous consent, the motion was withdrawn.

John McKay moved – That the Committee call for the report of the incident of the assault on Mr. Jeffrey Hearn by Mr. Brian Riches to be considered at an in camera meeting of the committee.

After debate, the question was put on the motion and it was agreed to.

At 11:05 a.m., the sitting was suspended.

At 11:10 a.m., the sitting resumed.

The witnesses on Panel II made a statement and answered questions.

At 12:34 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 86

Wednesday, May 8, 2002

ORDERS OF THE DAY:

Study of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers)

Statutory review, in camera, of the mental disorder provisions of the Criminal Code—Instructions on a draft report

WITNESSES:

United Steelworkers of America:

Andrew King, Department Leader, Health, Safety and Environment;

Lawrence McBrearty, National Director.

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MINUTES OF PROCEEDINGS

Meeting No. 86

Wednesday, May 8, 2002

The Standing Committee on Justice and Human Rights met at 3:36 p.m. this day, in Room 371, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Irwin Cotler, Ivan Grose, Paul Harold Macklin, John McKay, Andy Scott, Kevin Sorenson.

Acting Members present: Robert Lanctôt for Michel Bellehumeur; Bernard Patry for Carole-Marie Allard.

In attendance: From the Library of Parliament: David Goetz, researcher; Philip Rosen, senior analyst.

Witnesses: From the United Steelworkers of America: Lawrence McBrearty, National Director; Andrew King, Department Leader, Health, Safety and Environment.

Pursuant to the Order of Reference of February 19, 2002, the Committee resumed consideration of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

The witnesses made a statement and answered questions.

At 4:55 p.m., the sitting was suspended.

At 4:58 p.m., the sitting resumed.

Kevin Sorenson moved –That the Standing Committee on Justice and Human Rights invite the Solicitor General, the Commissioner of Corrections Services Canada, the National Parole Board and the Office of the Correctional investigator to appear before the Committee to provide a status report on the implementation of the recommendations made by the Sub-Committee on Justice and Human Rights in May 2000 regarding the *Corrections and Conditional Release Act*.

Paul Macklin moved the following amendment – That the motion be amended by striking out the words the Solicitor General in line 2 and by adding, in line 6, immediately after the word committee “before the House rises in June of 2002” so that the motion would read:

That the Standing Committee on Justice and Human Rights invite the Commissioner of Corrections Services Canada, the National Parole Board and the Office of the Correctional investigator to appear before the Committee, before the House rises in June of 2002, to provide a status report on the implementation of the recommendations made by the Sub-Committee on Justice and Human Rights in May 2000 regarding the *Corrections and Conditional Release Act*.

After debate, the question being put on the amendment, it was adopted.

And the question being put on the main motion, as amended, it was adopted.

By unanimous consent, it was agreed that the Minister might be called at a later date should the committee not find the response satisfactory.

It was agreed – That the Committee would consider its draft report on Mental Disorder in June.

It was agreed – That the Committee would commence the study of Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders) in the near future.

It was agreed – That the Committee would add additional meetings to consider the subject-matter of C-284 in order to accommodate the hearing of additional witnesses.

At 4:28 p.m., the sitting was suspended.

At 4:29 p.m., the Committee proceeded to sit *in camera*.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

At 5:44 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

MINUTES OF PROCEEDINGS

Standing Committee
on

JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 87

Thursday, May 9, 2002

ORDER OF THE DAY:

Study of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers)

WITNESSES:

Canadian Labour Congress:

David Bennett, National Director, Health, Safety and Environment;
Hassan Yussuff, Executive Vice-President.

House of Commons:

Bev Desjarlais, NDP, Member from *Churchill*.

OC Transpo Widows:

Barbara Davidson;
Terrie Lemay.





MINUTES OF PROCEEDINGS

Meeting No. 87

Thursday, May 9, 2002

The Standing Committee on Justice and Human Rights met at 9:55 a.m. this day, in Room 308, West Block, the Chair, Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Hedy Fry, Ivan Grose, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Andy Scott, Kevin Sorenson, Vic Toews.

Acting Member present: Robert Lanctôt for Michel Bellehumeur.

In attendance: From the Library of Parliament: David Goetz, researcher; Philip Rosen, senior analyst.

Witnesses: From the House of Commons: Bev Desjarlais, Churchill. *From the Canadian Labour Congress:* David Bennett, National Director, Health, Safety and Environment; Hassan Yussuff, Executive Vice-President. *From the OC Transpo Widows:* Barbara Davidson; Terrie Lemay.

Pursuant to the Order of Reference of February 19, 2002, the Committee resumed consideration of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

The witness made a statement and answered questions.

At 11:04 a.m., the sitting was suspended.

At 11:10 a.m., the sitting resumed.

Terri Lemay, Barbara Davidson and David Bennett made a statement and, with Hassan Yussuff, answered questions.

At 12:34 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 88

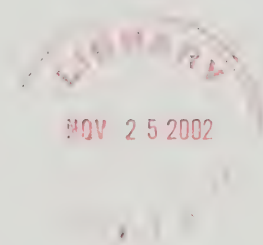
Thursday, May 9, 2002

ORDER OF THE DAY:

Study of the Estimates 2002-2003: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50 and 55, under the Department of Justice

APPEARING:

Hon. Martin Cauchon, Minister of Justice and Attorney General of Canada





Français

MINUTES OF PROCEEDINGS**Meeting No. 88*****Thursday, May 9, 2002***

The Standing Committee on Justice and Human Rights met in a televised session at 3:30 p.m. this day, in Room 253-D, Centre Block, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Irwin Cotler, Hedy Fry, Ivan Grose, Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Kevin Sorenson, Vic Toews.

Acting Members present: Robert Lanctôt for Michel Bellehumeur; Gérard Binet for Derek Lee; John Richardson for Lynn Myers.

In attendance: From the Library of Parliament: Nancy Holmes, analyst; Philip Rosen, senior analyst.

Appearing: From the House of Commons: Martin Cauchon, Minister of Justice and Attorney General of Canada.

Witnesses: From the Department of Justice: Morris Rosenberg, Deputy Minister & Deputy Attorney General; Catherine MacLeod, Director, Ministerial Cabinet.

Pursuant to an Order of Reference dated Tuesday, February 28, 2002, the Committee commenced the study of the Estimates 2002-2003: Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50 and 55, under the Department of Justice.

The Minister made a statement and, with the other witnesses, answered questions.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 89

Wednesday, May 22, 2002

ORDER OF THE DAY:

Study of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers)

WITNESS:

As Individual:

Susan Dodd.





Français

MINUTES OF PROCEEDINGS

Meeting No. 89

Wednesday, May 22, 2002

The Standing Committee on Justice and Human Rights met at 3:39 p.m. this day, in Room 308, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, The Hon. Hedy Fry, Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, The Hon. Andy Scott, Kevin Sorenson.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witness: As Individual: Dr. Susan Dodd, University of King's College, Nova Scotia.

Pursuant to the Order of Reference of February 19, 2002, the Committee resumed consideration of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

The witness made a statement and answered questions.

At 5:29 p.m., the sitting was suspended.

At 5:30 p.m., the Committee proceeded to sit *in camera*.

The Committee proceeded to the consideration of matters related to committee business.

At 5:50 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 90

Thursday, May 23, 2002

ORDER OF THE DAY:

Study of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers)

WITNESSES:

Canadian Bar Association:

Greg DelBigio, Member, National Criminal Justice Section;

Tamra Thomson, Director, Legislation and Law Reform.

International Association of Machinists and Aerospace Workers in Canada:

Louis Erlichman, Canadian Research Director.

As Individuals:

Anne-Marie Boisvert;

Christopher McCormick;

Poonam Puri.





MINUTES OF PROCEEDINGS

Meeting No. 90

Thursday, May 23, 2002

The Standing Committee on Justice and Human Rights met at 9:30 a.m. this day, in Room 308, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Carole-Marie Allard, Chuck Cadman Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Lynn Myers, L'hon. Andy Scott, Kevin Sorenson.

Acting Member present: Mario Laframboise for Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: From the International Association of Machinists and Aerospace Workers in Canada: Louis Erlichman, Canadian Research Director. *As Individual:* Prof. Poonam Puri, Professor, Osgoode Hall Law School, York University; Me Anne-Marie Boisvert, Law Professor, Law Faculty, Montreal University. *From the Canadian Bar Association:* Greg DelBigio, Member, National Criminal Justice Section; Tamra L. Thomson, Director, Legislation and Law Reform. *As Individual:* Dr. Christopher McCormick, Professor, University of New Brunswick.

Pursuant to the Order of Reference of February 19, 2002, the Committee resumed consideration of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

Louis Erlichman, Poonam Puri and Anne-Marie Boisvert each made statement and answered questions.

At 10:59 a.m., the sitting was suspended.

At 11:04 a.m., the sitting resumed.

Greg DelBigio, Tamra L. Thomson and Christopher McCormick each made a statement and answered questions.

At 12:04 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

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Chair: Andy Scott, Lib.

Meeting No. 91

Tuesday, May 28, 2002

ORDER OF THE DAY:

Study of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers)

WITNESSES:

Aurora Institute:

Clare Mochrie, Director.

Canadian Council of Criminal Defence Lawyers:

William Trudell, Chair.

As Individual:

Patrick Healy.

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MINUTES OF PROCEEDINGS

Meeting No. 91

Tuesday, May 28, 2002

The Standing Committee on Justice and Human Rights met at 11:03 a.m. this day, in Room 308, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Paul Harold Macklin, John Maloney, John McKay, L'hon. Andy Scott, Vic Toews.

Acting Member present: Robert Lanctôt for Pierrette Venne.

In attendance: From the Library of Parliament: Gérald Lafrenière, researcher; Philip Rosen, senior analyst.

Witnesses: As Individual: Prof. Patrick Healy, Professor of Law, McGill University. *From the Aurora Institute:* Clare Mochrie, Director. *From the Canadian Council of Criminal Defence Lawyers:* William M. Trudell, Chair.

Pursuant to the Order of Reference of February 19, 2002, the Committee resumed consideration of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

The witnesses each made a statement and answered questions.

At 12:40 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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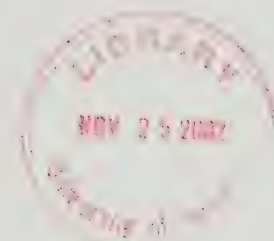
JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 92

Wednesday, May 29, 2002

IN CAMERA





Français

MINUTES OF PROCEEDINGS

Meeting No. 92

Wednesday, May 29, 2002

The Standing Committee on Justice and Human Rights met *in camera* at 3:40 p.m. this day, in Room 705, La Promenade Building, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Derek Lee, John Maloney, John McKay, Lynn Myers, Kevin Sorenson, Vic Toews.

Acting Members present: Robert Lanctôt for Pierrette Venne.

Associate Members present: Bev Desjarlais.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witness: As Individual: The Honourable Justice K. Peter Richard, Commissioner, The Westray Mine Public Inquiry.

Pursuant to the Order of Reference of February 19, 2002, the Committee resumed consideration of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

The witness made a statement and answered questions.

The Chair of the Sub-Committee on National Security tabled the Sub-Committee's First Report.

At 5:00 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 93

Wednesday, May 29, 2002

ORDER OF THE DAY:

Meeting with representatives of the delegation from Vietnam

WITNESS:

Vietnamese Delegation:

Nguyen Dinh Loc, Vietnamese Minister of Justice.

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MINUTES OF PROCEEDINGS

Meeting No. 93

Wednesday, May 29, 2002

The Standing Committee on Justice and Human Rights met at 5:00 p.m. this day, in Room 705, La Promenade Building, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Chuck Cadman, Derek Lee, John Maloney, Kevin Sorenson.

Acting Members present: Robert Lanctôt for Pierrette Venne.

Delegation: From Vietnam: Dr. Nguyen Dinh Loc, Vietnamese Minister of Justice and head of delegation; Dr. Hoang The Lien, Director, Law Institute, Ministry of Justice; Dr. Nguyen Duc Giao, Deputy Director, Department of Legal Dissemination and Education, Ministry of Justice, and Senior Assistant to the Minister; Nguyen Khanh Ngoc, Legal Expert, Department of International Law and Cooperation, Ministry of Justice, and Interpreter; Nguyen Quoc Cuong, Counsellor and Deputy Head of Mission of the Embassy of Vietnam in Ottawa.

Pursuant to Standing Order 108(2), the Committee met with representatives of the delegation from Vietnam.

At 5:03 p.m., the sitting was suspended.

At 5:09 p.m., the sitting resumed.

The delegates made statements and answered questions.

At 6:04 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 94

Thursday, May 30, 2002

ORDERS OF THE DAY:

Study of Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders)

Study of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers)

WITNESSES:

House of Commons:

Bob Mills, Canadian Alliance, Member from *Red Deer*.

Royal Canadian Mounted Police:

William Lenton, Assistant Commissioner, Federal Services.

Shareholder Association for Research and Education:

Gil Yaron, Director, Law and Policy.





MINUTES OF PROCEEDINGS

Meeting No. 94

Thursday, May 30, 2002

The Standing Committee on Justice and Human Rights met at 9:40 a.m. this day, in Room 308, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Derek Lee, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Lynn Myers, The Hon. Andy Scott, Kevin Sorenson.

Acting Members present: Robert Lanctôt for Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witness: From the House of Commons: Bob Mills, Red Deer.

The Order of Reference dated Tuesday, May 7, 2002, being now read as follows:

ORDERED, -- That Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders) be now read a second time and referred to the Standing Committee on Justice and Human Rights.

The Chair called Clause 1.

The witness made a statement and answered questions.

It was agreed - That notwithstanding the decision of the Committee of May 8, 2002, the committee postpone the appearance of the Commissioner of Correctional Services, the National parole Board and the Office of the Correctional investigator to provide a status report on the implementation of the recommendations made by the Sub-Committee on Justice and Human Rights in May 2000 regarding the *Corrections and Conditional Release Act*.

At 11:03 a.m., the sitting was suspended.

At 11:10 a.m., the sitting resumed.

Pursuant to the Order of Reference of February 19, 2002, subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

Witnesses: From the Royal Canadian Mounted Police: William Lenton, Assistant Commissioner; Dave Jeggo, Superintendent. *From the Shareholder Association for Research and Education:* Gil Yaron, Director, Law and Policy.

William Lenton and Gil Yaron each made statements and, with Dave Jeggo, answered questions.

At 12:37 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 95

Tuesday, June 4, 2002

IN CAMERA





Français

MINUTES OF PROCEEDINGS

Meeting No. 95

Tuesday, June 4, 2002

The Standing Committee on Justice and Human Rights met *in camera* at 9:40 a.m. this day, in Room 308, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Ivan Grose, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, The Hon. Andy Scott, Vic Toews.

Acting Member present: Robert Lanctôt for Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the Criminal Code.

The Committee proceeded to the consideration of a draft report.

At 12:45 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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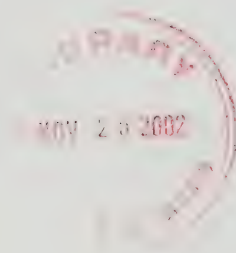
JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 96

Wednesday, June 5, 2002

IN CAMERA





Français

MINUTES OF PROCEEDINGS

Meeting No. 96

Wednesday, June 5, 2002

The Standing Committee on Justice and Human Rights met *in camera* at 4:00 p.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Bill Blaikie, Chuck Cadman, Paul Harold Macklin, John Maloney, John McKay, Lynn Myers, The Hon. Andy Scott, Vic Toews.

Acting Members present: Robert Lanctôt for Pierrette Venne; Ovid Jackson for Carole-Marie Allard; Roy Cullen for Ivan Grose.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Pursuant to the Order of Reference of the House of February 26, 2002, the Committee resumed its statutory review of the mental disorder provisions of the *Criminal Code*.

The Committee resumed consideration of a draft report.

It was agreed - That the draft report, as amended, be adopted.

It was agreed - That the Chair, Clerks and Researchers be authorized to make such grammatical and editorial changes to the report as may be necessary without changing the substance of the report.

It was agreed - That members may submit grammatical and editorial changes to the report as may be necessary without changing the substance of the report until 5:00 o'clock p.m. on Thursday, June 6, 2002, by e-mail to the Clerks of the Committee.

It was agreed - That 550 copies of the report be printed in tumble bilingual format.

It was agreed - That pursuant to Standing Order 109, the Committee request the Government to table a comprehensive response to the Report.

ORDERED - That the Chair present the Report to the House.

It was agreed - That the Committee invite witnesses to speak to Bill C-400, *Lisa's Law* during the week of June 10, 2002.

At 4:51 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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Chair: Andy Scott, Lib.

Meeting No. 97

Thursday, June 6, 2002

IN CAMERA





Français

MINUTES OF PROCEEDINGS

Meeting No. 97

Thursday, June 6, 2002

The Standing Committee on Justice and Human Rights met *in camera* at 9:42 a.m. this day, in Room 308, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Peter MacKay, Paul Harold Macklin, John Maloney, John McKay, Lynn Myers, The Hon. Andy Scott, Vic Toews.

Acting Members present: Steve Mahoney for Carole-Marie Allard; Hélène Scherrer for Ivan Grose; Robert Lanctôt for Pierrette Venne; Bev Desjarlais for Bill Blaikie.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Pursuant to Standing Order 108(2), the Committee proceeded to the review of the report on the incident of the assault on Mr. Jeffrey Hearn by Mr. Brian Riches.

ORDERED - That committee staff draft a letter to the Commissioner of Correctional Services, based on the transcription of today's meetings, requesting that specific information be included in the upcoming comprehensive report on the incident and requesting additional information of a general nature.

Pursuant to the Order of Reference of February 19, 2002, the Committee resumed consideration of the subject-matter of Bill C-284, An Act to amend the Criminal Code (offences by corporations, directors and officers).

The Committee proceeded to the consideration of a draft report.

It was agreed, - That the draft report be adopted.

It was agreed, - That pursuant to Standing Order 109, the Committee request that the Government table a comprehensive response to the Report.

ORDERED, - That the Chair present the Report to the House.

It was agreed, - That a maximum of five members of the Sub-Committee on National Security travel to New York, New York from June 23 to 27, 2002, for the Global Security - Post 9-11 conference by the International Association of Airport and Seaport Police.

It was agreed, - That the proposed budget in the amount of \$ 24 307.25 for the Sub-Committee's travel to New York be adopted and that the Chair present the said budget to the Liaison Committee.

At 11:04 a.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 98

Tuesday, June 11, 2002

ORDERS OF THE DAY:

Study of Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders)

Future business in camera

WITNESSES:

Canadian Bar Association:

Jennifer Cooper, Past-Chair, National Family Law Section;

Tamra Thomson, Director, Legislation and Law Reform.

As Individual:

Gerald L. Gall.





MINUTES OF PROCEEDINGS

Meeting No. 98

~~Tuesday, June 11, 2002~~

The Standing Committee on Justice and Human Rights met at 11:06 a.m. this day, in Room 308, West Block, the Vice-Chair, John McKay, presiding.

Members of the Committee present: Chuck Cadman, Irwin Cotler, Derek Lee, Peter MacKay, Paul Harold Macklin, John McKay, Kevin Sorenson, Vic Toews.

Acting Members present: Robert Lanctôt for Pierrette Venne; Bob Mills for Jay Hill.

In attendance: From the Library of Parliament: Kristen Douglas, analyst; Philip Rosen, senior analyst.

Witnesses: From the Canadian Bar Association: Jennifer Cooper, Past-Chair, National Family Law Section; Tamra L. Thomson, Director, Legislation and Law Reform. *As Individual:* Prof. Gerald L. Gall, Professor, Faculty of Law, University of Alberta.

Pursuant to its Order of Reference of Tuesday, May 7, 2002, the Committee resumed consideration of Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders) (*See Minutes of Proceedings, Thursday, May 30, 2002, Meeting No. 94*).

At 12:40 p.m., the sitting was suspended.

At 12:43 p.m., the sitting resumed *in camera*.

The Committee proceeded to consider its future business.

At 12:49 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
37th PARLIAMENT, 1st SESSION

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JUSTICE AND HUMAN RIGHTS

Chair: Andy Scott, Lib.

Meeting No. 99

Thursday, June 13, 2002

ORDER OF THE DAY:

Study of Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders)

WITNESSES:

Bridge House Inc.:

Karon Van Koughnett, Front Line Counsellor.

Children Visiting Prisons, Kingston:

Joyce Waddell-Townsend, Chair.

As Individual:

Lisa Dillman.

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Français

MINUTES OF PROCEEDINGS

Meeting No. 99

Thursday, June 13, 2002

The Standing Committee on Justice and Human Rights met at 9:37 a.m. this day, in Room 308, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Derek Lee, Peter MacKay, Paul Harold Macklin, John McKay, The Hon. Andy Scott, Kevin Sorenson.

Acting Members present: Bob Mills for Vic Toews; Robert Lanctôt for Pierrette Venne.

In attendance: From the Library of Parliament: Philip Rosen, senior analyst.

Witnesses: As Individual: Lisa Dillman. *From the Children Visiting Prisons, Kingston:* Joyce Waddell-Townsend, Chair. *From the Bridge House Inc.:* Karon Van Koughnett, Front Line Counsellor.

Pursuant to its Order of Reference of Tuesday, May 7, 2002, the Committee resumed consideration of Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders) (*See Minutes of Proceedings, Thursday, May 30, 2002, Meeting No. 94*).

The witnesses made a statement and answered questions.

At 10:24 a.m., the sitting was suspended.

At 10:30 a.m., the Committee proceeded to sit *in camera*.

At 11:00 a.m., the sitting was suspended.

At 11:10 a.m., the Committee proceeded to sit in public.

At 12:09 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

HOUSE OF COMMONS OF CANADA
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Chair: Andy Scott, Lib.

Meeting No. 100

Wednesday, June 19, 2002

ORDER OF THE DAY:

Study of Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders)

WITNESS:

"Barreau du Québec":

Dominique Goubau, Chairman of the Committee of the Bar on Family Law; Professor,
Family Law at Laval University, Faculty of Law.

NOV 28 2002



MINUTES OF PROCEEDINGS

Meeting No. 100

Wednesday, June 19, 2002

The Standing Committee on Justice and Human Rights met at 3:33 p.m. this day, in Room 209, West Block, the Chair, The Hon. Andy Scott, presiding.

Members of the Committee present: Chuck Cadman, Paul Harold Macklin, John Maloney, John McKay, The Hon. Andy Scott.

Acting Members present: Robert Lanctôt for Pierrette Venne; Bob Mills for Vic Toews.

In attendance: From the Library of Parliament: Kristen Douglas, analyst; Philip Rosen, senior analyst.

Witnesses: From the "Barreau du Québec": Me Dominique Goubau, Professor of Family Law at Laval University (Faculty of Law) and Member of the Committee of the Bar on Family Law; Me Julie Delaney, Lawyer.

Pursuant to its Order of Reference of Tuesday, May 7, 2002, the Committee resumed consideration of Bill C-400, An Act to amend the Divorce Act (limits on rights of child access by sex offenders) (*See Minutes of Proceedings, Thursday, May 30, 2002, Meeting No. 94*).

Dominique Goubau made a statement and, with Julie Delaney, answered questions.

At 4:20 p.m., the Vice-Chair, John McKay, took the Chair.

At 4:38 p.m., the Committee adjourned to the call of the Chair.

Jean-François Pagé / Marie Danielle Vachon

Clerks of the Committee

